

# Selected Writings of A.H.M. Jones

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A.H.M. Jones (1904-1970), a distinguished British classicist and historian of the Roman empire, published these articles and books between the years 1928 and 1964. A Wikipedia entry ([A.H.M. Jones](#)) describes his life and works.

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[Inscriptions from Jerash](#), from *Journal of Roman Studies*, Vol. 18 (1928), pp. 144-178.

[Inscriptions from Jerash.--Part II](#), from *Journal of Roman Studies*, Vol. 20 (1930), pp. 43-54.

[The Urbanization of the Ituraean Principality](#), from *Journal of Roman Studies*, Vol. 21 (1931), pp. 265-275.

[The Urbanization of Palestine](#), from *Journal of Roman Studies*, Vol. 21 (1931), pp. 78-85.

[Another Interpretation of the 'Constitutio Antoniniana'](#), from *Journal of Roman Studies*, Vol. 26, Part 2 (1936), pp. 223-235.

[The Election of the Metropolitan Magistrates in Egypt](#), from *Journal of Egyptian Archaeology*, Vol. 24, No. 1 (Jun., 1938), pp. 65-72.

[A Silver Find from South-West Asia Minor](#), by P. Jacobsthal, A. H. M. Jones, from *Journal of Roman Studies*, Vol. 30, Part 1 (1940), pp. 16-31.

['In eo Solo Dominivm Popvli Romani est vel Caesaris'](#), from *Journal of Roman Studies*, Vol. 31 (1941), pp. 26-31.

[The Roman Civil Service \(Clerical and Sub-Clerical Grades\)](#), from *Journal of Roman Studies*, Vol. 39, Parts 1 and 2 (1949), pp. 38-55.

[The Aerarium and the Fiscus](#), from *Journal of Roman Studies*, Vol. 40, Parts 1 and 2 (1950), pp. 22-29.

[The Imperium of Augustus](#), from *Journal of Roman Studies*, Vol. 41, Parts 1 and 2 (1951), pp. 112-119.

[Two Synods of the Delian and Peloponnesian Leagues](#), from *Proceedings of the Cambridge Philological Society*, New Series, No. 2 (182) (1952-1953), pp. 43-46.

[The Economic Basis of the Athenian Democracy](#), from *Past & Present*, No. 1 (Feb., 1952), pp. 13-31.

[The Athenian Democracy and Its Critics](#), from *Cambridge Historical Journal*, Vol. 11, No. 1 (1953), pp. 1-26.

[Inflation under the Roman Empire](#), from *Economic History Review*, New Series, Vol. 5, No. 3 (1953), pp. 293-318.

[Census Records of the Later Roman Empire](#), from *Journal of Roman Studies*, Vol. 43 (1953), pp. 49-64.

[St. John Chrysostom's Parentage and Education](#), from *Harvard Theological Review*, Vol. 46, No. 3 (Jul., 1953), pp. 171-173.

[Military Chaplains in the Roman Army](#), from *Harvard Theological Review*, Vol. 46, No. 4 (Oct., 1953), pp. 239-240.

[The Date and Value of the Verona List](#), from *Journal of Roman Studies*, Vol. 44 (1954), pp. 21-29.

[The Date of the "Apologia contra Arianos" of Athanasius](#), from *Journal of Theological Studies*, New Series, Vol. 5, No. 2 (October 1954), pp. 224-227.

[The Career of Flavius Philippus](#), from *Historia: Zeitschrift für Alte Geschichte*, Bd. 4, H. 2/3 (1955), pp. 229-233.

[The Social Structure of Athens in the Fourth Century](#), from *Economic History Review*, New Series, Vol. 8, No. 2 (1955), pp. 141-155.

[The Elections under Augustus](#), from *Journal of Roman Studies*, Vol. 45, Parts 1 and 2 (1955), pp. 9-21.

[Imperial and Senatorial Jurisdiction in the Early Principate](#), from *Historia: Zeitschrift für Alte Geschichte*, Bd. 3, H. 4 (1955), pp. 464-488.

[The Decline and Fall of the Roman Empire](#), from *History*, NEW SERIES, Vol. 40, No. 140 (October, 1955), pp. 209-226.

[L. Volcacious Tullus, Proconsul of Asia](#), from *Classical Review*, Vol. 5, No. 3/4 (Dec., 1955), pp. 244-245.

[Slavery in the Ancient World](#), from *Economic History Review*, New Series, Vol. 9, No. 2 (1956), pp. 185-199.

[Capitatio and Iugatio](#), from *Journal of Roman Studies*, Vol. 47, No. 1/2 (1957), pp. 88-94.



[The Roman Colonate](#), *Past & Present*, No. 13 (Apr., 1958), pp. 1-13.

[The Origin and Early History of the Follis](#), from *Journal of Roman Studies*, Vol. 49, Parts 1 and 2 (1959), pp. 34-38.

[Were Ancient Heresies National or Social Movements in Disguise?](#), from *Journal of Theological Studies*, New Series, Vol. 10, No. 2 (October 1959), pp. 280-298.

(i) [De Tribunis Plebis Reficiendis](#), from *Proceedings of the Cambridge Philological Society*, New Series, No. 6 (186) (1960), pp. 35-39.

[The Cloth Industry under the Roman Empire](#), from *Economic History Review*, New Series, Vol. 13, No. 2 (1960), pp. 183-192.

(ii) [De Legibus Iunia et Acilia Repetundarum](#), from *Proceedings of the Cambridge Philological Society*, New Series, No. 6 (186) (1960), pp. 39-42.

[Church Finance in the Fifth and Sixth Centuries](#), from *Journal of Theological Studies*, New Series, Vol. 11, No. 1 (April 1960), pp. 84-94.

[The Constitutional Position of Odoacer and Theoderic](#), from *Journal of Roman Studies*, Vol. 52, Parts 1 and 2 (1962), pp. 126-130.

[The Greeks under the Roman Empire](#), from *Dumbarton Oaks Papers*, Vol. 17 (1963), pp. 1+3-19.

[Collegiate Prefectures](#), from *Journal of Roman Studies*, Vol. 54, Parts 1 and 2 (1964), pp. 78-89.

[The Hellenistic Age](#), from *Past & Present*, No. 27 (Apr., 1964), pp. 3-22.

[Works by A.H.M. Jones at Internet Archive](#)

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Inscriptions from Jerash

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## INSCRIPTIONS FROM JERASH.

By A. H. M. JONES.

(Plates XIII—XVI).<sup>1</sup>

The following inscriptions, published by permission of the British School of Archaeology in Jerusalem and of Yale University,<sup>2</sup> are all from Jerash, the ancient Gerasa, or the immediate neighbourhood. They range in date from the reign of Domitian to after that of Justinian. The language is almost always Greek; the few examples of Latin are, with one exception, memorials of members of the imperial civil service or the army. I here put the Latin inscriptions first (nos. 1–10); the Greek I have arranged as far as possible in their chronological order, leaving to the end those which I cannot date.

It may save repetition to note that Gerasa employed throughout her known history the Pompeian era, which was reckoned as beginning from about October 1, 63 B.C. (Brünnow, *Die Provincia Arabia*, iii, 304). It is perhaps necessary, since *I.G.R.R.* has given it countenance, to point out that the ‘Gerasene era’ of A.D. 44 is a myth, based on a conjectural reconstruction of a badly mutilated inscription, only known from an imperfect copy.

Certain epigraphical peculiarities deserve notice. Two symbols are used, **L** for ἑτους and  $\times$  for ἑκατοντάρχης which are common in the papyri but, as far as I know, rare in inscriptions, though this use of **L** is normal on the imperial coins of Alexandria. The numerals are also peculiar; contrary to the usual practice both of the papyri and of the inscriptions the unit is placed before the ten, and the ten before the hundred; occasionally the order is ten, unit, hundred.

1. Rectangular stone block found built into a house in the village. The inscribed face (30 cm. high by 42 cm. wide) is surrounded by a moulded frame (7 cm. wide). The letters are about 3 cm. high; roughly cut. Fig. 26.

<sup>1</sup> The line drawings are for the most part tracings from photographs. Of nos. 31, 33 and 45 I cannot, owing to the bad state of the texts, give any satisfactory reproduction; a photograph conveys nothing and a drawing is bound to be very subjective. Technical difficulties prevented the reproduction of no. 35.

<sup>2</sup> Mr. J. W. Crowfoot, the Director of the British School of Archaeology in Jerusalem, and Mr. Fitzgerald, formerly Assistant-Director, had

already carried the work of decipherment some way before I arrived. I owe them both my thanks for allowing me to take over their results. I also owe an acknowledgement to Mr. W. H. Buckler, Sir George Macdonald, Mr. H. M. Last, Mr. M. N. Tod and Professor Anderson, for various corrections and suggestions, and to Professor Littmann for the derivations of the Semitic names. Finally I must thank the Rev. Julius B. Robertson for the majority of the photographs.

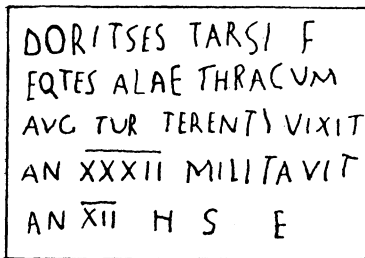


FIG. 26.

Doritses, Tarsi f(ilius),  
eq(u)es alae Thracum  
Aug(ustae), tur(mae) Terenti. Vixit  
an(nos) xxxii, militavit  
an(nos) xii. H(ic) s(itus) e(st).

2. Rectangular stone block (inscribed face, 67 cm. by 45 cm.), found at the back of the S. Temple. The letters are about 2.5 cm. high, roughly cut. Fig. 27.

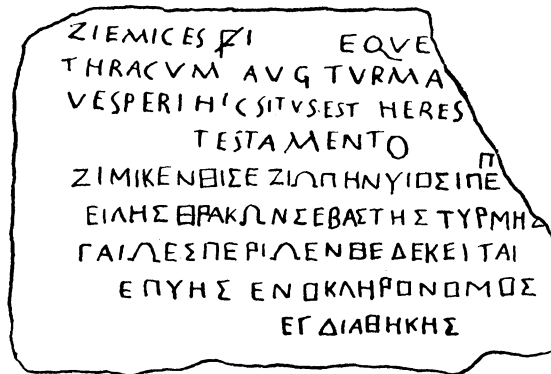


FIG. 27.

ΖΙΕΜΙCΕCΖΙ. . . . . eque[s] alae]  
Thracum Aug(ustae), turma[e] Gai]  
Vesperī, hic situs est. Heres [fecit ex]  
testamento.  
Ζιμίκενθις, Ἐζιωπῆν υἱός, ἱπε[ύς]  
εἴληC Θρακῶν ΣεβαστῆC, τύρμηC  
Γαίω Ἐσπερίω, ἐνθὲδε κεῖται.  
ἐπύηCεν ὁ κληρονόμοC  
ἐγ διαθήκηC.

The Greek version has been already published, but with several mistakes (*Mith. d. Pal.-Ver.* 1913, p. 263).

In both inscriptions the execution is rude ; both contain engravers' errors, e.g. in the first 'eqtes,' and in the second the blundered name of the Latin version, and the corrected ἱπεύς of the Greek. The Greek version of the second also contains several mis-spellings and vulgarisms ; Γαίω Ἐσπερίω stands for Γαίου Ἐσπερίου (compare *I.G.R.R.* iii, 1249), ἐπύησαν for ἐποίησαν (compare *I.G.R.R.* i, 234).

The names in the first inscription are familiar Thracian. Doritses appears elsewhere as Durises (*C.I.L.* xiii, 8311), Durisses (Parvân, *Histria* vii, p. 55) and Δορίτζ[ης] (Latyschew, *Inscr. Ponti Euxini* iv, 254). Tarsus is more usually spelled Tarsa (*C.I.L.* vi, 2568, 3601) or in Greek Τάρσας (*B.C.H.* xlvii, p. 75). The names of the second inscription are more unusual, but still undoubtedly Thracian. The ending of the first, -κενθις, is a version—probably, in view of the predilection for the termination -ις in Thracian nomenclature, a version closer to the original Thracian—of the common ending variously Hellenized and Latinized as -κενθης -κενθος, -centhus, -centus -cens, etc. (vide *Ephemeris Dacoromana* i, p. 203). The ending of the second name is also a more genuine Thracian version of the ending -πηνος found in, for instance, Βουρδοπήνος (*Sbornik*, 1900, p. 67); the artificiality of the termination -ος is shown by the occurrence of a genitive Βουρδοπήνες (*ib.* 1896, p. 419) and we may conjecture that the true Thracian form of the ending was -πην, here treated as indeclinable. The first element in Ζιμίκενθις is found in other names, e.g. Ζημοκάρτης (*B.C.H.* xxxvi, p. 574). The first element in Ἐζιωπήν is more obscure.

It remains to identify the unit referred to as 'Ala Augusta Thracum.' If the reading could be trusted, an inscription found at Gerasa, first published in *Revue biblique* 1899 (p. 28), recording an 'O(ptio) alae I Thracum Aug(ustae)', would settle the matter. Unfortunately the whole inscription seems to have been difficult to read, and has now disappeared. There is, however, nothing impossible in the identification with Ala I, which is known to have been in Raetia in A.D. 107 (Dip. xxxv) and subsequently in Noricum (*C.I.L.* iii, 5654), but whose station in the first century is unknown. A good case can also be made out for Ala III Augusta Thracum, now known from a recently discovered diploma (*Syria*, 1928, p. 25 seqq.) to have been stationed in Syria (to which Gerasa then belonged) in A.D. 88–89; it was previously known to have been stationed in Pannonia Superior from the middle of the second century (Dip. lx, lxi, lxv, c).

Whether Ala I or Ala III be the unit concerned, the inscriptions must be comparatively early, probably first century. This conclusion is supported by the apparent composition of the unit; the troopers are purely Thracian, while the decurions have Roman names, and are presumably legionaries, imported to train raw and barbarous troops. Moreover, after A.D. 105 Gerasa ceased to be a frontier-town; it would therefore have a garrison only in the first century.

3. Stone block, found on the north side of the road leading from the S. Tetrapylon to the bridge. The block has been cut to form the base of an applied column and the inscription thus badly mutilated. The surviving portion of the inscribed space is, at its widest, 36 cm.

wide and, at its highest, 59 cm. high. It is impossible to tell how much (if anything) has been lost at the top and bottom. The spacing of the third line suggests that about 10 cm. may have been cut off on the left, while the right side may be complete. The letters are 9 cm. high in the fourth line, 5 cm. in the rest; they are very elongated, the horizontals being feebly marked. Plate XIII, 3.

. . . çol(or h)  
 . . . a(or e) pia[e ?] fidel[i[s ?]  
 Arabiae  
 . . . Leg. VI Ferr.  
 . . . [Tr]aiano Hadriano,  
 . . . v. iii. cos.  
 . . . runt lxiii.

For the top three lines I can suggest no restoration or interpretation. In the bottom three, before *Traiano Hadriano* one may supply *Imp. Caes.* and before *v.* either *tr. p.* or perhaps *tr. p. x.* although the order is unusual and the wide interval between *iii.* and *cos.* curious. The ending *-runt* in the last line probably belongs to some verb like *posuerunt* and the figure indicates the number of subscribers.

One interesting fact emerges—that the legion which garrisoned Arabia<sup>1</sup> in A.D. 121 or 131, and therefore presumably conquered it in A.D. 105 was VI Ferrata. It was already known (*B.G.U.* i, 140) that III Cyrenaica, which formed the garrison from the latter part of Hadrian's reign, was not employed in the conquest, but hitherto there had been no evidence to show which of the Syrian legions was employed.



FIG. 28.

4. Rectangular stone altar at the top of the stairs of the propylaea to the N. Temple, on the south side. Height 1.10 m., inscribed face 37 cm. square. The letters are 5 cm. high, deeply and rather clumsily cut. Fig. 28.

Deanae  
 Flavius Apol-  
 linaris mil(es)  
 leg(ionis) III Cyr(enaicae).

<sup>1</sup> Gerasa was attached to Arabia at this date, and indeed from the beginning of the province's existence (see Brünnow, *Die Prov. Arabia*, iii, 264, 265). The note on *I.G.R.R.* iii, 1353 is a strange lapse; it argues that, because Attidius Cornelianus was *legatus* of Syria (and therefore *consularis*) in A.D. 158,

he must have been *legatus* of the same province when *consul designatus*. The inscription is incompletely and inaccurately given in *I.G.R.R.*; a correct version (giving the date, viz. A.D. 150) is to be found in *Mittb. d. Pal.-Ver.*, 1901, no. 16 (Lucas).

'Deana' (for the spelling compare *C.I.L.* vi, 1118, 122, 126, 132, etc.) is Ἀρτεμὶς τῆς Γεράσων of the coins (*B.M. Cat. of Greek Coins of Arabia*, p. 31), the patron goddess of Gerasa, to whom the temple in whose precinct the altar stands was dedicated. Legio III Cyrenaica was moved from Egypt to Bostra not earlier than A.D. 119 (*B.G.U.* i, 140), perhaps in 123 or 132.

5. Rectangular stone block, found built into the church facing the propylaea. Inscribed face, 40 cm. high by 63 cm. wide. The letters are 6 cm. high in the top line, 4.5 cm. high in the rest, finely cut. Fig. 29.

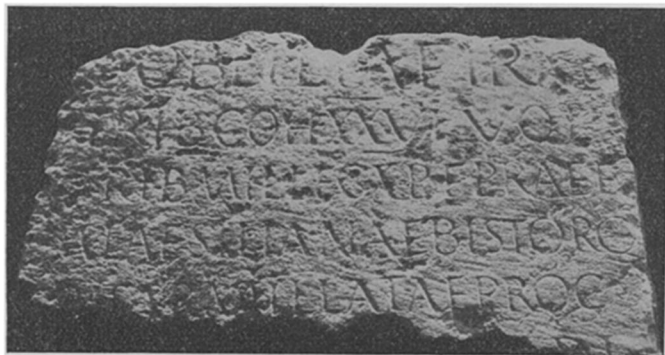


FIG. 29.

. . . . Poblilia Firm[o],  
trib(un)o coh(ortis) XXVI vol(untariorum),  
trib(un)o mil(itum) leg(ionis) X p(iae) f(idelis), praef(ecto)  
alae Silianae bis torq(uatae)  
bis armillatae, proc(uratori) . . . . .

The person commemorated was, as appears from another inscription (*Rev. biblique*, 1928, p. 254), L. Valerius L. f. Poblilia Firmus. He pursues a typical equestrian *cursus*. Cohors xxvi voluntariorum c. R. was stationed in Germania Superior. Legio X p.f. is presumably Legio X Gemina, which in 89 earned the titles 'Domitiana p.f.' and after 96 retained the 'p.f.' while dropping 'Domitiana.' The Ala Siliana c. R. was stationed in Dacia under and after Trajan; it is known from a Dacian inscription of uncertain date to have earned the title 'torquata' (*C.I.L.* iii, 5775 where 'bis torquatae' might equally well be read); 'armillata,' as a distinction for a body of troops, seems to be unique.

6. Rectangular stone block, found in a house in the village. Inscribed face, 42 cm. high by 53 cm. wide. The letters D M are 5 cm. high, the rest 3.5 cm. Plate XIII, 6.

D(is) M(anibus)  
 Ulp(ius) Helis Aug(usti) lib(ertus) opt(io) tabel(lariorum)  
 vix(it) ann(os) lxi. Marcianus et Heli-  
 odorus fil(i) patri pientissimo  
 m(emoriae) caus(a) fecerunt.

For the officials of the post, see Hirschfeld, *Verwaltungsab.*, pp. 201 seqq. The inscription is presumably of the reign of Trajan or Hadrian.

7. Rectangular stone stele, found on the west side of the N. Tetrapylon. Inscribed face, 1.04 m. high by 40 cm. wide. The letters are 4.5 cm. high, finely cut. Fig. 30.

|             |                |
|-------------|----------------|
| MAECIOL     | Maecio La[e]-  |
| TOPROCVR    | to procur[a]-  |
| TORI AVC    | tori Aug(usti) |
| HEREDESALLI | heredes Alli   |
| VESTINIADV  | Vestini advo-  |
| CATI FISCI  | cati fisci     |
| EXTESTAMEN  | ex testamen-   |
| TO EIVS     | to eius.       |

FIG. 30.

The inscription cannot be earlier than Hadrian's reign, when the *advocati fisci* were instituted. It would be tempting to see in this Maecius Laetus an ancestor of Maecius Laetus, prefect of Egypt in 202 and praetorian prefect in 205, were it not clear that the person here commemorated was childless.

8. Rectangular stone altar, found in the fields south of the town. Height 88 cm.; inscribed face, 35 cm. high by 57 cm. wide. The letters vary from 4 cm. to 3.5 cm. in height, and are finely cut. The stone is scored, towards the right end of the top line, with a number of horizontal grooves which at first sight look like the horizontal strokes of letters. Plate XIII, 8.

Eutychiti Au-  
 gustorum lib(erto)  
 adiut(ori) tabul(ariorum)  
 Philumene ca-  
 rissimo coiugi feci.

Eutyches (dat. -i), Eutyhus (dat. -o) and a feminine Eutychis (dat. -idi) are the common forms of the name. A masculine name Αὐτ. Εὐτυχίς, which may have been declined as above, is known from



one inscription (*I.G.R.R.* i, 642). For the *adiutores tabulariorum* see Hirschfeld, *Verwaltungs.*, pp. 58 seqq.

9. Cylindrical stone stele found in a house in the village. Height 88 cm., diameter 40 cm. The letters are 5.5 cm. high and finely cut. The surface is decayed in parts. Fig. 31.

|             |                                      |
|-------------|--------------------------------------|
| MAVR...VSTV |                                      |
| AVGLIBPRC   | M(arcum) Aur(elium) Faustum,         |
| RATIONISVR  | Aug(usti) lib(ertum), proc(uratorem) |
| BICAEVOBV   | rationis ur-                         |
| LTAPENSIS   | bicae Vobu-                          |
| ITEM ROVIN  | ltarenis,                            |
| CIA' 'BI    | ite[m p]rovin-                       |
| AF' PR      | ciae [Ar]abi-                        |
| 'L          | ae, [tem] pro-                       |
|             | [vinciae C]il-                       |
|             | [iciae]                              |

FIG. 31.

For the *ratio urbana*, see Hirschfeld, *Verwaltungs.*, pp. 177, 270. It was apparently the public works department of the city of Rome. No procurator of the department is otherwise known. 'Vobultarenis' I cannot trace; it is evidently a geographical adjective qualifying *ratio urbana*; one must presume that the *ratio urbana* had an office at Vobultarum (?), which was perhaps a marble-quarry.

10. Rectangular stone block found built into the west wall of St. Theodore's church. Inscribed face, 51 cm. high by 1.03 m. wide. The top right-hand corner is broken away and the whole right side has been cut down a little. The letters are finely cut; they are 9 cm. high in the two top lines, 6 cm. high in the two bottom. The sign rendered *centurio* is 7. Fig. 32.

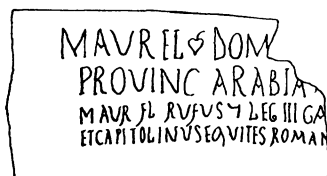


FIG. 32.

M(arco) Aurel(io) Dom[no]  
 provinc(ia) Arabia  
 M(arcus) Aur(elius) Fl(avius) Rufus (centurio) leg(ionis) III  
 C(yrenaicae) A(ntoniniana) | et Capitolinus equites Roman[i f(aciendum) c(uraverunt)].

The inscription is dated by the *cognomina* of the legion (for a parallel to *Leg. III C.A.* see *C.I.L.* iii, 121) to the years A.D. 211 to 235. The person to whom the dedication was made was presumably governor of Arabia during that period. He is not otherwise known; Domnus (for the use of Domnus as a *cognomen* compare *Cod. Theod.* 8. 5. 29) seems to be the only name which will fulfil the requirements of the space.

The use made of the phrase *provincia Arabia* provides presumptive evidence, hitherto lacking, of a *concilium* for the province. The prominence of a centurion of the local legion in provincial affairs, and his equestrian dignity, are typical of the Severan age.

**11.** Rectangular stone slab, used as a paving stone in the fountain court of St. Theodore's. Height 42 cm., width 37 cm. The lines are divided by horizontal grooves 5.5 cm. apart. The execution of the lettering is careless. The sign rendered ξτους is L. Plate XIII, 11.

ἀγαθῇ τύχῃ[η]  
(ἔτους) πέμπτου πεν-  
τηκοστοῦ ἑκα-  
τοστοῦ Νικόμα-  
χος Ἀπολλωνίου  
ἐπόησεν εὐσεβείας  
χάριν.

The date is A.D. 92-93. This date would be consistent with the identification of this Nicomachus with Nicomachus of Gerasa, the mathematician; the name was, however, common in the town.

**12.** Two fragments, parts of a rectangular stone block, originally 47 cm. high and about 85 cm. wide, found in the S. Theatre. In the middle of the inscribed face is carved in relief a beautiful 'Amazon's shield.' The letters are 4 cm. high, finely cut. Fig. 33.



FIG. 33.

[ύπ]ερ τῆς αὐτοκράτορος [erasure of c. 8 letters]  
 [erasure of c. 2 letters] Καίσαρος Σεβαστοῦ [erasure of c. 8 letters]  
 [τὸ τρι] πόδ ωμα -κοῦ σωτη  
 [ἀνέθῃ] κεν ἡ πό ρίας  
 λης.

The letters underlined are by a later and less skilled hand, those doubly underlined being cut over an erasure.

The explanation of the various erasures and additions seems to be as follows. The inscription was originally set up before A.D. 83 and ran thus :



FIG. 34.

When in 83 Domitian took the title 'Germanicus' it was deemed politic to insert it, at the cost of destroying the symmetry of the inscription. So ΣΩΤΗΡΙΑΣ and ΑΝΕΘΗ were erased, and, in place of ΣΩΤΗΡΙΑΣ, was cut ΓΕΡΜΑΝΙ, and in place of ΑΝΕΘΗ, ΚΟΥ ΣΩΤΗ, and beneath it ΡΙΑΣ; ΑΝΕΘΗ was re-engraved below ΤΟ ΤΡΙ. Finally in A.D. 96 the names of the emperor were erased, the -κοῦ of Γερμανικοῦ being carelessly allowed to stand.

I can find no word ending in -πόδωμα; πόδωμα itself will not fulfil the requirements of the space, and is in any case only known from a single passage (Apollodorus Architectus, 42). I have ventured to coin τριπόδωμα from τρίπους on the analogy of κρηπίδωμα from κρηπίς.

**13.** In the S. Theatre, inscribed on the podium between the cavea and the orchestra, near its westernmost end. The inscribed surface is 60 cm. high, by 2.42 m. long. The letters, which are beautifully cut, are 5.5 cm. high. The condition of the stone is in parts very bad, in parts excellent. Plate xv, 13.

ὑπὲρ τῆς αὐτοκράτορος Δ[ομετιανοῦ Καίσα]ρος Σεβαστοῦ  
 Γ[ερμανικοῦ] σωτηρίας καὶ τοῦ σύνπαντος αὐτοῦ οἴκου  
 Τίτος [Φλάβ]ουιος Διονυσίου υἱὸς σπεύρας [about 4 letters]ης οὐετραγῆς  
 δεκαδάρχῃς τῇ πατρίδι τὴν [κερκίδα σ]ε[λίδ]ων [ῶκοδόμη]σεν  
 δοὺς δραχμὰς τρισχειλίας εἰς λόγον αὐτῆς.

The names underlined have been deliberately erased, but enough remains of the Δ and the Γ to make it certain what they were. The date of the inscription must then fall between 83, when Domitian took the title of 'Germanicus,' and his death in 96. This is a point interesting in the history of Gerasa; for it disproves the theory that the earlier town occupied only the left bank of the stream, and that the magnificent lay-out of the right bank is a creation of the Antonine period.

It is unfortunate that the decay of the stone has left us ignorant (*a*) of the cohort in which T. Flavius was *decurio* and (*b*) of what precisely he did for his native city. On the first point it is difficult to see what except a numeral (πρώτης or τρίτης) could be supplied, and this would not leave us any the wiser, as there is no very obvious series to which the number would belong. On the second point, something to the same effect as what I have supplied is clearly required, and, at any rate, none of the faint traces of letters on the stone forbid my conjecture; for the use of σελίδες for benches in a theatre cf. *I.G.R.R.* iii, 1474. If the phrase *ῥακοδόμησεν* . . . *δοὺς εἰς λόγον αὐτῆς* is to be pressed, the meaning will be that Flavius Dionysius was the contractor who built the block, and that he gave a private donation 'to its account' of 3,000 dr. More probably it is merely a redundant expression, meaning that his donation covered the expenses of building this block.

**14.** Cylindrical stone basis, found in the S. Theatre, near the west end of the stage. Height 90 cm., diameter 53 cm. It is crowned with two moulded cornices. On the upper cornice are inscribed the first two lines of the inscription in large letters (3 cm. high), on the lower the next three lines in rather smaller letters (2 cm. high). The remainder of the inscription is on the cylindrical drum; the letters are 1.5 cm. high. The whole is very finely and carefully cut; the lettering is in a rather peculiar rectilinear style, B being the only letter where a curved line is permitted. The two cornices have been partially broken away, but otherwise the condition of the stone is good. Fig. 35 and Plate xiv.

<sup>1</sup>[Τίτ]ογ Φλάουιον Φλαοῦιου Φλάκου υἱὸν Κυρῖ[να Γερρηγὸν ἄνδρα ἀξιόλογο(?)]ν αἰ[ρέσε]ι | <sup>2</sup>τῆς πόλεως πρώτως ἀγωνοθέτην γενόμενον ἀγῶν[ος νέου] ἐ[νια]υσίου. | <sup>3</sup>Ψήφισμα τῆς ἱερᾶς συνόδου τῶν ὑ[πὲρ τ]ῆ[ς οἰκο]υμένης περὶ τὸν Διόνυσον καὶ τὸν κύριον ἡμῶν αὐτοκράτορα | <sup>4</sup>Νέρουαν Τραιανὸν Καίσαρα Σεβαστὸν Γερμανικὸν Δακικ[ὸν νέον Διόνυσον τεχνειτῶν ἱερωνεικῶν στεφανειτῶν] | <sup>5</sup>καὶ τῶν τούτων συναγωνιστῶν. (*space*) ἐπεὶ Τίτον Φλάουιον Γερρηγόν, ἄ[νδρα ἐκ προγόνων(?)] ῥῥξιόλογον, φιλοκαίσαρα | <sup>6</sup>καὶ φιλόπατριν, ἐγνωσμένον πᾶσιν ἡγεμόσιν καὶ ἐπιτρόποις ἐκ τῆς ἑαυτοῦ πρὸς πάντας φιλοτείμου καὶ μεγα[λ]όφρονος συναναστροφῆς, ἐχειροτόνησεν ἀγωνοθέτην ἢ πόλιν Ἀντιοχέων τῶν πρὸς τῷ Χρυσορῳά | <sup>8</sup>οὗ αὐτῇ ἐψηφίσατο ἄγειν ἀγῶνος πρώτου ἐνιαυσίου ὑπὲρ σωτηρίας τοῦ κυρίου ἡμῶν αὐτοκράτορος

Νέρουα | <sup>9</sup>Τραιανοῦ Καίσαρος Σεβαστοῦ Γερμανικοῦ Δακικοῦ, ἄξιον κρείνασα  
 τῆς πορφύρας τὸν ἄνδρα διὰ τὴν περὶ | <sup>10</sup>αὐτὸν ἀρετὴν· ὁ δέ, διὰ τὴν  
 ὑπερβάλλουσαν αὐτοῦ πρὸς τε τὸν οἶκον τῶν Σεβαστῶν εὐσέβειαν καὶ διὰ τὴν  
 πρὸς τὴν πατρίδα | <sup>11</sup>φιλόστοργον εὐνοίαν, ἀναδεξάμενος τὰ στέμματα μετὰ  
 πάσης προθυμίας οὐ μόνον [τάς πρ]ογονικὰς φιλοτειμίας ὑπερ | <sup>12</sup>έβαλεν ταῖς  
 πρὸς τὴν πόλιν αὐτοῦ λειτουργίαις καὶ τῇ πρὸς τὴν σύνοδον καθ' ἓνα κ[α] |  
 [κοινὸν] φιλοτειμία ἀλλὰ καὶ πολλῶν | <sup>13</sup>ἀγωνοθετῶν τῶν σφοδρὰ εἰς ἡμᾶς  
 φιλοτειμότατα ἀναστραφέντων ἐμειμήσατο τὴν προθυ[μί]αν· ἡγωνοθέτησε  
 γὰρ ἐμπειρ | <sup>14</sup>ότερον τῶν πολλὰκι προστάντων ἀγωνοθετίας, ὡς δοκεῖν ἡμᾶς  
 μὴ νῦν πρῶτον αὐτὸν ἀγωνοθ[ε]τεῖν ἀλλ' ἐκ πολλῶν χρόνων ἐντρα | <sup>15</sup>φέντα  
 τῇ πορφύρᾳ εἰδημόνως τὰ προσήκοντα τοῖς ἀγῶσιν ἐπιτελεῖν· μετὰ γὰρ τῆς  
 ἐν τοῖς θέμασιν αὐτοῦ ἀγνείας πολλὰκι μὲν | <sup>16</sup>τὴν σύνοδον κατὰ κοινὸν  
 βασιλικαῖς ἐστιάσεσιν ὑπεδέξατο, διηνεκῶς δὲ τὸν καθ' ἓνα τῶν τε ἡττηθέντων  
 καὶ στεφθέντων | <sup>17</sup>οὐ διέλιπεν ἐστιῶν καὶ δία παντὸς τοῦ ἀγῶνος  
 γυμνασιαρχῶν· ἔδοξεν ἀναστῆσαι αὐτοῦ ἀνδριάντα ἐν ᾧ πρῶτος ἡγωνοθέτησε |  
<sup>18</sup>θεάτρῳ, ἐπιγραφὴν ἔχοντα τὴν ἐξ ἔθους τῆς συνόδου, ἐφ' ᾧ οἱ τε ἀγωνιζόμενοι  
 πάντες καὶ οἱ κατὰ καιρὸν θεατρίζοντες | <sup>19</sup>εἰσφέρουσιν\* ἐπάναγκες στεφάνους  
 τῷ ἀνδριάντι· ὅς δ' ἂν μὴ εἰσενέγκῃ ὑποτεινέτω ζημίας ἐν ἀγῶνι μὲν | <sup>20</sup>τῇ  
 συνόδῳ δηνάρια εἴκοσι πέντε, ἐν θεωρίᾳ δὲ τῇ πόλει ὁμοίως· ἔδοξε κατὰ πόλιν  
 αὐτὸν ἀναγγέλλεσθαι.

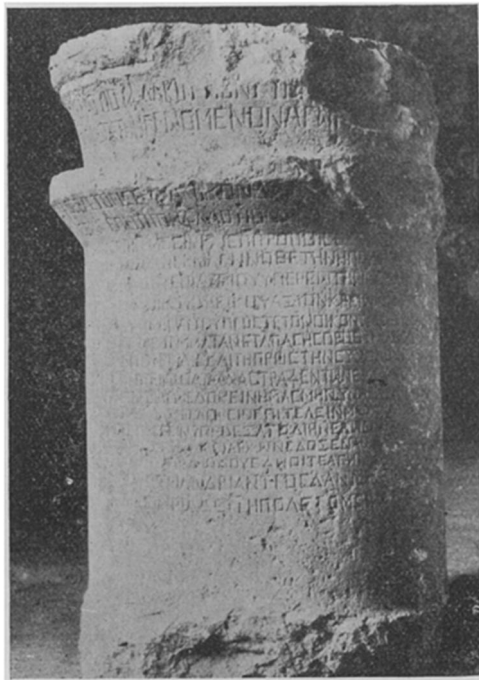


FIG. 35.

\* It may be suggested that *εἰσφέρειν*, which is evidently a technical word, should be substituted for [περιβάλλειν], for which there is no authority,

in the similar passage (l. 33) of the Ancyra inscription (J.R.S. xvi, 246). The crowning of such statues was *πάτριον τοῖς τεχνίταις* (Michel, *Rec.* 1015, 28-30).

From the presence among Trajan's titles of that of 'Dacicus' and the absence of that of 'Optimus', the date of the inscription must fall between 102 and 114. It is natural to connect the institution of the festival, at the first celebration of which T. Flavius Gerrhenus was agonothetes, with the annexation of Arabia in 105-106, and the transference of Gerasa to that province.

Titus Flavius Gerrhenus comes from a family prominent in Gerasa. It was probably his father who received the citizenship from one of the Flavians; it is perhaps his son who appears, also as agonothetes, in A.D. 130 (Φλαουίου Φλάκκου Δη[μητρίου], *Rev. biblique*, 1927, p. 252, *P.E.F. Quarterly Statement*, 1928, p. 188); yet another member of the family, a certain T. Φλ. Φλάκκ[ον] Φλάκκου υ'όν Κυρ[ῖνα] Κερσίλοχον (*Rev. biblique*, 1900, p. 432), received the honour of a statue; he is perhaps a grandson. Γερρηγός seems to be a geographical cognomen, and to indicate that the family came from Gerrha, the city of the Decapolis, or perhaps of Coele Syria, mentioned by Ptolemy (v, 14, 20).

The destruction of the lower cornice has unfortunately involved the loss of the title of the Sacred Synod. That it was the Sacred Synod of Dionysiac Artists seems clear from the allusions to the theatre at the end of the inscription, and I have based my restoration of the text on the wording of similar resolutions (*J.R.S.* xvi, 1926, pp. 245 seqq., *I.G.R.R.* iii, 209, 211, *I.G.* 3, 22). The two most disputable points of the restoration are the opening words (ὕπερ τῆς οἰκουμένης) and the title of νέον Διόνυσον given to the emperor. It is generally held that the conflation of the various local societies of Dionysiac Artists was due to Hadrian, who accordingly received the honorary title of a second Dionysus. In this inscription, however, the phrase ὕπερ τῆς οἰκουμένης (a unique variation on the usual ἀπὸ τῆς οἰκουμένης) seems justified by the remaining vestiges of letters, and the requirements of the space demand something like νέον Διόνυσον. The evidence that Hadrian and not Trajan was the author of the reorganisation of the Dionysiac Artists is in fact very slender (see Foucart, *De collegiis artificum scenicorum*, pp. 93, 94). The theory rests on an inscription of Nîmes (*I.G.R.R.* i, 18) which embodies a decree of a local synod of the time of Trajan; but as this decree is not dated to the last year of Trajan, it is no proof that the change from local synods to one universal synod did not take place during Trajan's reign.

Otherwise the inscription is chiefly interesting for the light it throws on the honours and burdens of the office of agonothetes. We have here epigraphical evidence for the crown (στέμματα) and the purple robe (πορφύρα), which on vase-paintings and reliefs he usually wears (see Daremberg-Saglio *s.v.*). His function of awarding the money prizes (θέματα), which were offered at an unimportant festival like this, is specified; but more important, one gathers, and certainly more expensive, than his official duties was the wholesale

entertainment demanded by public opinion. It is noted, as a further proof of his public spirit, that he was holding, at the time of the festival, the office of gymnasiarch, a six-monthly office at Gerasa, involving heavy outlay (*Rev. biblique*, 1909, p. 451).

The honours decreed are closely paralleled in the inscription from Ancyra published by Mr. Buckler (*J.R.S.* xvi, 1926, p. 245); the penalty in that case is not a monetary fine but disqualification from the games. In our inscription the dual destination of the fines raises a difficulty. Who are οἱ θεατρίζοντες? <sup>1</sup> They must surely be members of the Sacred Synod or by what authority could the Synod impose a fine upon them? On the other hand, why does the fine in that case go to the city? Perhaps the explanation is that plays were sometimes produced on occasions other than festivals (κατὰ καιρόν) and that on these occasions the city was empowered to collect the fine for itself from the actors, who would be members of the Synod and thus liable to it, because no authorities of the Sacred Synod would be on the spot to collect it for the Synod.

**15.** A fragment of a rectangular stone block found in the church opposite the propylaea. Greatest height 32 cm., greatest breadth 50 cm. The letters measure 3·5 cm. in the two top lines, and 4·5 cm. in the bottom line. They are poorly executed. Plate xv, 15.

. . . . βουλῆς καὶ δῆμο[υ . . . .  
 . . . ου υἱὸν Κλαυδιανὸς ὁ . . . .  
 ορ' Δίου.

The date is October to November, A.D. 107. Claudianus is perhaps the father of Eumenes mentioned in no. 21.

**15a.** Fragment of a rectangular stone block, the inscribed face of which was surrounded by a moulded frame. The letters are 2 cm. high. Fig. 36.

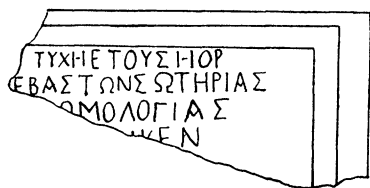


FIG. 36.

[ἀγαθῇ] τύχῃ· ἔτους η'ορ'.  
 [ὑπὲρ τῆς τῶν Σ]εβαστῶν σωτηρίας  
 [καὶ τῆς τοῦ δῆμου] ὁμολογίας  
 [. . . . . ἀνέθη]κεν.

The date is A.D. 115 to 116. A.D. The Σεβαστοί at this time were Trajan and Plotina.

<sup>1</sup> The word only occurs once in its literal sense (Stephanus, *Thesaurus s.v.*) and there seems to mean 'to act.'

16. Rectangular stone block, found in the S. Theatre. The inscribed face is 53 cm. wide by 25 high, and is surrounded by a moulded frame 7 cm. wide. The letters are 2·5 cm. high, poorly executed though in good style. Fig. 37.

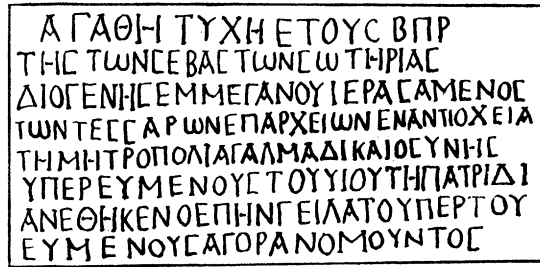


FIG. 37.

ἀγαθῇ τύχῃ ἔτους βπρ'. [ὑπὲρ]  
 τῆς τῶν Σεβαστῶν σωτηρίας  
 Διογένης Ἑμμεγάνου ἱερασάμενος  
 τῶν τεσσάρων ἐπαρχειῶν ἐν Ἀντιοχείᾳ  
 τῇ μητροπόλει ἁγάλμα Δικαιοσύνης  
 ὑπὲρ Εὐμένους τοῦ υἱοῦ τῇ πατρίδι  
 ἀνέθηκεν ὃ ἐπηγγείλατο ὑπὲρ τοῦ  
 Εὐμένους ἀγορανομοῦντος.

The date is A.D. 119-120. The question arises what at this date were the four ἐπαρχεῖαι which celebrated the imperial worship in common at Antioch. It does not seem likely that ἐπαρχεῖα means strictly *provincia*; it must rather mean a region possessing its own κοινόν. We know that at some date before Vespasian's elevation of Cilicia into a separate province, there met at Antioch a κοινὸν Συρίας Κιλικίας Φοινίκης (*I.G.R.R.* i, 445). After Cilicia was detached, Syria Proper and Phoenicia (with its metropolis at Tyre) would remain. It is plausible to suggest that the elevation by Hadrian of Samosata and Damascus to the rank of μητροπόλεις (Marquardt, *Manuel des ant. rom.* ix, p. 384) meant the creation of two new minor κοινά of Commagene and Coele Syria. It seems that Gerasa (and Philadelphia) after their annexation to Arabia for administrative purposes still continued, as members of the Decapolis, to belong to the religious union of Coele Syria; they are included in Ptolemy's list of Coele Syria, and even in the reign of Severus Alexander the legend ΦΙΛΑΔΕΛΦΕΩΝ ΚΟΙΛΗΣ ΣΥΡΙΑΣ appears on the coins of Philadelphia (Mionnet, *Suppl.* viii, 236).

The name Ἑμμεγάνης is known elsewhere (Waddington, 2167, 2189, 2286). Δικαιοσύνη is perhaps equivalent to Isis (for the deification of Δικαιοσύνη see *C.I.G.* 3544, for her identification with Isis *C.I.G.* 2295; compare Plut., *de Iside et Osiride*, ch. 3).



17. Upper part of a cylindrical stone basis, found in a house in the Wadi ed-Deir, north of the town. Height over 55 cm., diameter 59 cm. The letters are 4.5 cm. high. Fig. 38.

ΑΥΤΟΚΡΑΤΟΡΑΚΑΙΣΑΡΑΘΕΟΥΤΡ ΠΙΟΝ  
 ΘΕΟΥΝΕΡΟΥΑΥΓΙΩΝΟΝΤΡΑ ΔΡΙΑΝΟΝΣΕΒΑΣΤΗΝ  
 ΑΡΧΙΕΡΕΑΜΕΓΙΣΤΟΝΒΗΜΑΡΧΙΚΗΣΕΖΟΥΣΙΑΣΤ·ΔΙ  
 ΥΠΑΤΟΝΤ·ΓΠΑΤΕΡΑΠΑΤΡΙΔΟΣΤΟΝΑΓΑΘΟΝΚΥΡΙ·Ν  
 ΣΟΛΩΝΟΚΑΙΠΑΥΛΙΝΟΣΜΟΙΡΑΓΕΝΟΥΣ  
 'ΙΩΝΗΡΑΓΤΙ,ΙΧΡ

FIG. 38.

αὐτοκράτορα Καίσαρα Θεοῦ Τρ[αιανοῦ] υἱὸν  
 Θεοῦ Νέρουα υἱωνὸν Τρα[ιανὸν] Ἀδριανὸν Σεβαστόν,  
 ἀρχιερέα μέγιστον, δημαρχικῆς ἐξουσίας τὸ δι,  
 ὑπατον τὸ γ, πατέρα πατρίδος, τὸν ἀγαθὸν κύριον,  
 Σόλων ὁ καὶ Παυλῖνος Μοιραγένους  
 [τῇ π]ῆλξ[ι τῶν Ἀντιοχέων τ]ῶν πρὸς τῷ Χρ[υσορῶα]  
 [τῶν πρότερον Γερασηνῶν].

The date of the inscription is A.D. 130. To this year belongs another basis, in the main street, north of the propylaea, a public dedication by the city to Hadrian, the style of which is identical except that the title Παρθικοῦ is appended to the name Τραιανοῦ (Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 54).

18. Two rectangular stone blocks, built into the north wall of the Nymphaeum, 74 cm. wide by 51 cm. high, and 58 cm. wide and 54 cm. high. The letters are 3.5 cm. high. Fig. 39.

|            |        |                                    |
|------------|--------|------------------------------------|
| ΥΠΕΡΤΗΣ ΤΩ | ΗΡΙΑΣ  | ὑπὲρ τῆς τῶ[ν Σεβαστῶν σωτ]ηρίας   |
| ΤΑΑΓΓΑΛΜΑΤ | ΙΘΕΟΥ  | τὰ ἀγάλματ[α . . . . .] καὶ θεοῦ   |
| ΑΡΑΒΙΚΟΥΣΥ | ΛΘΗΚΗΣ | Ἀραβικοῦ συ[ν βάσσειν ἐκ δι]αθήκης |
| ΔΙΟΝΥΣΙΟΥΣ | ΑΝΑΨ   | Διονυσίου Ζ[ . . . . .] ἀνα[.]υ    |
| ΦΑΝΟΥΣΚΑΙ  | ΝΟC    | φάνους καὶ[ . . . . .] νος         |
| ΥΙΟΥΑΥΤΩΝ  | ΙΗC    | υἱοῦ αὐτῶν[ . . . . .] ἔτους ]ιῆς. |

FIG. 39.

The name of the first god may be variously restored; perhaps Διὸς Ἡλίου is the most likely conjecture. The θεὸς Ἀραβικός occurs on another Gerasene inscription (Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 7); he is probably identical with Dusares, the patron of Bostra. The second name of Dionysius will be Zabdion, Zebedus, or something of the sort. The names of his wife and son I cannot

restore. The year is A.D. 145-6. It shows scant respect for the recent past that this block was used in building the Nymphaeum in A.D. 190.

**19.** One complete architrave block (48 cm. high by 2.30 m. long) and fragments of three others similar, now lying on the east side of the main street, opposite the propylaea. The four architraves originally formed part of the façade facing the propylaea, being grouped in two pairs, one on either side of the street running up to the propylaea, resting on eight spirally-fluted columns. They are themselves delicately carved with bands of egg and tongue between the fasciae and a floral design on the cornice. The inscription is very beautifully cut; the letters on the upper fascia, which is 15 cm. high, measure 11 cm., those on the lower fascia, which is 9 cm. high, 6 cm. Two ligatures are used (NH and HΓ). Fig. 40 and plate xv, 19.

Southern pair.

(N. block)  
αἱ κρῆναι ἀφιερώθησαν  
πρεσβ(ευτοῦ) Σεβ(αστοῦ) ἀντιστρα-  
τήγ(ου) ὑπάτου

(S. block)  
[ἐπὶ Λ(ουκίου)] Ἀττιδίου Κορνη-  
[λιανοῦ]  
[ἀναδ]εδειγμένου ἔτους γις'.

Northern pair.



FIG. 40.

(N. block).  
[αἱ] κρῆναι ἀφιερώθησ[αν]  
πρεσβ(ευτοῦ) Σεβ(αστοῦ) ἀντιστρα-  
τήγ(ου) ὑπάτου]

(S. block).  
ἐπὶ Λ(ουκίου) Ἀττιδίου Κορνηλ-  
[ιανοῦ]  
ἀναδεδειγμένου ἔτους γις'.

The year (A.D. 150) is the same as that in which the propylaea was dedicated (Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 16). The springs must have fed two cemented troughs which flank the façade to north and south. L. Attidius Cornelianus is known from two other Gerasene inscriptions besides the propylaea inscription; these were erected after his consulship (no. 20, and Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 60). He was shortly promoted to Syria, where he appears in 162 (*C.I.L.* iii, 129).

**20.** Stone console, lying on the west side of the street, opposite the propylaea, from the façade of which it has evidently fallen. It no doubt originally supported a statue or bust. The two upper lines

of the inscription are on the abacus, the front face of which measured about 85 cm. long (it is broken away on the left) by 12 cm. high ; the letters are in the top line 5.5 cm. high, in the second 4.5 cm. The third and fourth lines are on the cyma ; the letters of the third measure 5 cm., those of the fourth 4 cm. Plate xv, 20.

[Λ(ούκιον) Ἀττίδιον] Κορνηλιανόν  
[ὕ]πατον  
Λ(ούκιος) Οὐλπιος Κερέαλις  
τὸν πάντρωνα φιλοτιμούμενος.

L. Attidius Cornelianus was consul in A.D. 151 (see no. 19). The inscription is to be compared with that upon another console, also in his honour, and also found under the propylaea (Lucas, *Mitth. d. Pal.-Ver.* 1901, no. 60).

**21.** Two rectangular stone blocks, measuring on the inscribed side 48 cm. high by 43 cm. wide, and 51 cm. high by 1.02 m. wide, found in St. Theodore's. The letters measure 11 cm. in the top line, 13 cm. in the second, and 8 cm. in the third. They are finely cut. Fig. 41.

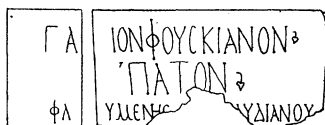


FIG. 41.

Γ(άιον) Ἀ[λλ]ιον Φουσκιανόν  
ὑπατον  
Φλ(άουιος) Εὐμένης [Κλ]αυδιανοῦ.

C. Allius Fuscianus is known to have been governor of Arabia from a Latin inscription on a cippus in the E. baths (*C.I.L.* iii, 1118). He is also recorded as being one of the senatorial patrons of a college at Ostia in A.D. 140 (*C.I.L.* xiv, 246). If he is the same Fuscianus who was *consul iterum* in 188 (Klein, *Fasti consulares*, 84), he would probably have been governor of Arabia in the last years of Antoninus Pius, immediately before his first consulship, here recorded. In that case Eumenes is probably the son of the Claudianus mentioned in A.D. 107 (see no. 15).

**22.** Further fragments of the Nymphaeum inscription (Lucas, *Mitth. d. Pal.-Ver.* 1901, no. 17) have come to light as a result of Mr. Horsfield's clearance of the site. In order to understand where these new fragments fit in, it is necessary to grasp the rather complicated architectural setting of the inscription. It runs round the

architrave of the building, as shown on the accompanying diagram, where the inscribed sections of architrave are marked by the letters.

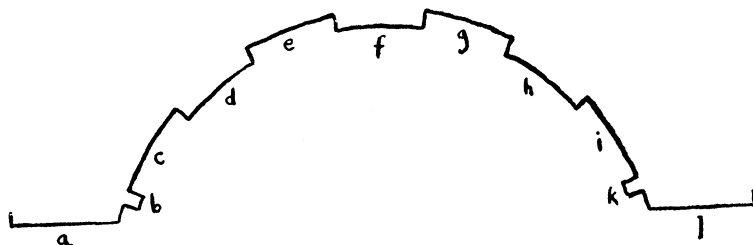


FIG. 42.

Of the lettered sections *e* and *g* are *in situ* and legible, *c* is *in situ* but illegible, *i* is not *in situ* but is well preserved, while *d*, *f*, and *h* were found and read by Puchstein but have now vanished. The new fragments comprise the two ends of *a* (plate xv, 22) and the corbel *k*. I give below a revised version of the whole inscription.

Upper line.

(a) ἀγαθῇ τύχῃ· ὑ[πὲρ τῆς σωτηρίας καὶ τῆς αἰωνίου διαμονῆς  
αὐτοκράτορος (b) [Καίσαρος|Μάρκου] (c) [Αὐρηλί]ου (d) [Κομμόδου]  
Ἀντωνίν[ου] (e) Σεβαστοῦ Γερμανικοῦ (f) Σαρματικοῦ Βρεταν[νικοῦ]  
εὐτυχοῦς π[ι] (g) δημαρχικῆς (h) [ἐξουσίας τὸ ιε'] ὑπάτου [τὸ ξ'] (i)  
κρατήσεως ἔτο[υς] (k) πεντε[και]|δεκάτου (l) . . . . .

Lower line.

(a) κα[ὶ δ]ή[μου τῶν 'Ρωμαίων] (b) . . . . (c) ἡ [πόλις] (d) [τῶν  
'Α]γντιοχ[έων πρὸς] (e) Χρυσορόα (f) τῶν [πρ]ότε[ρ]ον [Γερασσηῶν]  
(g) ἔτους (h) [δευτέρου πεντηκοστοῦ] (i) διακοσιοστοῦ (k) μηνὸς|Ξανδικοῦ  
(l) . . . . .

The spacing of the inscription is very irregular, which adds to the hazards of conjectural restoration. The left wing (*a*) is very crowded, and so we may conjecture was the right wing (*l*); the intervening sections are more evenly spaced, with a tendency to put more on the projecting than on the retreating sections. The most marked contrast is between the sometimes uncomfortably crowded upper line and the abnormally spaced-out lower line.

The general sense of section (*l*) is easy to supply; in the upper line it probably contained a reference to the royal family (καὶ σύμπαντος αὐτοῦ οἴκου) and to the Senate (perhaps καὶ ὁμονοίας ἱερᾶς συνκλήτου καὶ δήμου 'Ρωμαίων). Into this line must also be fitted, if indeed it belongs to this inscription, the mysterious fragment ΣΥΜΕ read by Puchstein, for which I cannot account. The lower line presumably contained only the day of the month.

The year is A.D. 190. It is odd that it should be three times defined, once by the Pompeian era, once by the emperor's tribunician power, and once by the emperor's year of imperium (in fact identical with his tribunician power), not to speak of his consulship.

23. Lower half of a small rectangular stone base from a house in the village. Total height, 40 cm.; inscribed area, 19 cm. high by 17 cm. wide. The letters are about 1.5 cm. high, lightly cut. Fig. 43.

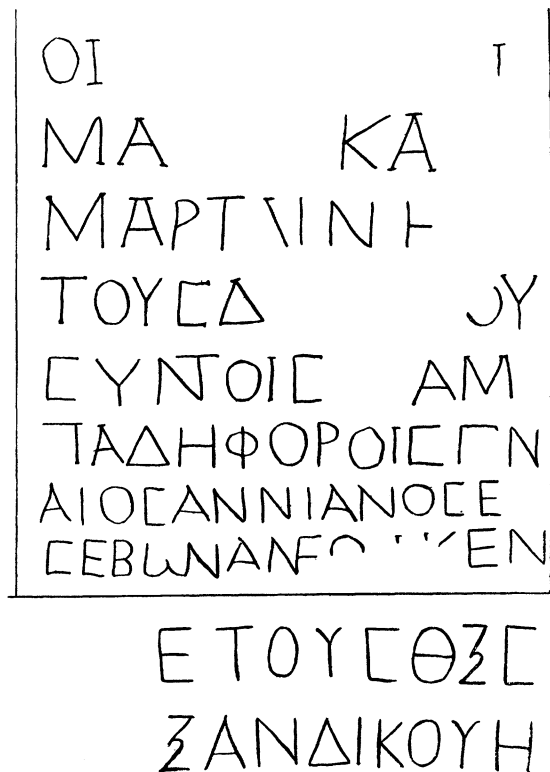


FIG. 43.

οι[4 or 5 ]νεῖ  
μα[3 or 4]κα[1 or 2]  
μαρταῖνη[1 or 2]  
τοὺς Δ[ουσάρ]ου  
σὺν τοῖς [λ]αμ-  
παδηφόροις Γν-  
αῖος Ἀννιανὸς ε[ὕ-]  
σεβῶν ἀνέθηκεν.

(on the moulding of the base) ἔτους θξ'  
Ξανδικοῦ ς'.

The date is April 8, A.D. 207. I can make nothing of the first three lines. The λαμπαδηφόροι I take to form part of the dedication, and to be candlesticks.

24. Long basis (1·68 cm. long by 58 cm. high) crowned with a moulded cornice (18 cm. high). It was found in a house in the Wadi ed-Deir (north of the town). The letters are 6·5 cm. high, finely executed. Fig. 44.

ΑΓΑΘΗ ΤΥΧΗ

ΥΠΕΡΩΤΗΡΙΑΣ ΤΩΝ ΚΥΡΙΩΝ ΑΥΤΟΚΡΑΤΟΡΩΝ ΛΟΥΚΙΟΥ  
ΣΕΠΤΙΜΙΟΥ ΣΕΟΥΗΡΟΥ ΕΥΣΕΒΟΥΣ ΠΕΡΤΙΝΑΚΟΥ ΣΕΒ  
ΑΡΑΒΙΚΟΥ ΑΔΙΑΒΗΝΙΚΟΥ ΠΑΡΘΙΚΟΥ ΜΕΓΙΣΤΟΥ  
ΚΑΙ ΜΑΥΡΗΛΙΟΥ ΑΝ ΤΩΝ ΕΙΝΟΥ  
ΑΥΤΟΥΣ ΕΒΑ[ΤΙ]Ν

FIG. 44.

(on the cornice): ἀγαθῇ τύχῃ·  
ὑπὲρ σωτηρίας τῶν κυρίων αὐτοκρατόρων Λουκίου  
Σεπτιμίου Σεουήρου Εὐσεβοῦς Περτίνακος Σεβ(αστοῦ)  
Ἀραβικοῦ Ἀδιαβηνικοῦ Παρθικοῦ Μεγίστου  
καὶ Μ(άρκου) Αὐρηλίου Ἀν[space for]τωνεῖνου [καὶ Π(οπλίου)  
Σεπτιμίου Γέτα] υἱ { shield } [ῶν] αὐτοῦ Σεβαστῶν.

The letters underlined have been deliberately erased. The dedication must be dated later than January (?) 209, when Geta was recognised as Augustus, and earlier than the summer of 210, when Septimius Severus and Caracalla took the title of Britannicus. Geta's name must have been erased after his murder in 212.

25. Rectangular stone block, found in front of the propylaea, 77 cm. wide by 37 cm. high. The letters are 3·5 cm. high, well cut. One ligature (ΗΠ) is used (twice). Fig. 45.

Λ ΣΕΠΤΙΜΙΟΝ ΣΕΟΥΗΡΟΝ  
ΣΕΒΗ ΠΕΡΤΙΝΑΚΑ ΣΕΒΤΟΝ Κ  
ΡΙΟΝ ΑΥΤΟΚΡΑΤΟΡΑ ΕΥΣΕΒΟΥ  
ΛΑ ΗΠΟΛΙΣ ΔΙΕΠΙΜΕΛΗΤΟΥ  
ΔΙΟΜΗΔΟΥΣ

[ἀ]γαθῇ [τύ]χῃ·  
Λ(ούκιον) Σεπτίμιον Σεουήρον Ε[ὑ-]  
σεβῇ Περτίνακα Σεβ(αστὸν) τὸν κύ-  
ριον αὐτοκράτορα εὐσεβοῦ-  
σα ἡ πόλις δι' ἐπιμελητοῦ  
Διομήδους.

FIG. 45.

The dedication is not to be dated to a year prior to the association of Caracalla, as a second basis exists apparently dedicated at the same time to M. Aurelius Antoninus (see no. 28).

26. Stone fragment; provenance unknown. The letters are 5 cm. high, finely cut. Fig. 46.



FIG. 46.

ὑπ[έρ σωτηρίας]  
Λουκ[ίου Σεπτιμίου]  
Σεου[ήρου Σεβαστοῦ]  
[ἡ] πόλις[ς].

27. Rectangular stone block found at the N. Tetrastylon, 48 cm. high by 61 cm. wide. The first two lines are inscribed on a raised band between rows of egg-and-tongue ornaments. The letters are 3.5 cm. high. Plate xvi, 27.

ἀγαθῇ τύχῃ·  
Ἰουλίαν Δόμναν τῇν  
κυρίαν Σεβαστῆν  
εὐσεβοῦσα ἡ πόλις δι' ἐπι-  
μελητοῦ Θεοδώρου Ἀπολ-  
λεις.

Iulia Domna became Augusta in 193 and died in 217. The last name can hardly be right; it must be an engraver's error for Ἀπολλείου or some similar name.

28. Part of a rectangular stone block (with two detached fragments), found in the road in front of the propylaea. Originally measured 38 cm. high by about 90 cm. wide. The letters are 4 cm. high, neatly cut. One ligature (ΗΠ) is used. Fig. 47.



FIG. 47.

ἀγαθῇ [τύχῃ·]  
Μ(άρχον) Αὐρήλιον Ἀντ[ωνε]ῖ.ον τῷ[ν]  
κύριον αὐ[το]κράτ[τορα] εὐσεβοῦ-  
σα ἡ πόλις δι' ἐπιμελητοῦ Διο-  
μήδους.

The strong resemblance in the style of lettering and the wording to no. 25 suggests that, of the various emperors called M. Aurelius Antoninus, Caracalla is intended. The name of the ἐπιμελητής may be tentatively restored from no. 25.

**29.** Rectangular stone basis, lying in the street opposite the propylaea. The inscribed face is 43 cm. high by 75 cm. wide. The letters are 4 cm. high, very lightly cut in a good style. Two ligatures are used (NE and NH). Fig. 48.

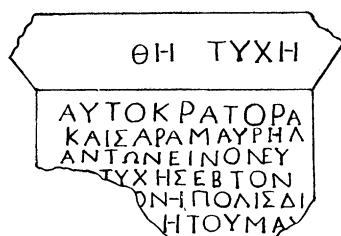


FIG. 48.

(on the cornice) [ἀγα]θῇ τύχῃ·

(on the face) αὐτοκράτορα  
Καίσαρα Μ(άρκον) Αὐρήλ(ιον)  
Ἀντωνεῖνον εὐ-  
τυχῇ Σεβ(αστὸν) τὸν  
[κύρι]ον ἢ πόλις δι'  
[ἐπιμελ]ητοῦ Μ(άρκου) Αὐ[ρ](ηλίου).

The emperor commemorated may be Caracalla or Elagabalus or, perhaps, Commodus.

**30.** Stone architrave block, broken away at the bottom. Length 88 cm., height over 53 cm. The inscription is cut at the extreme left end, the first five lines on the top fascia (19 cm. high), the next three on the second fascia (13 cm. high) and the last on the bottom fascia. The lettering is very bad; the average height is 4 cm. Fig. 49.

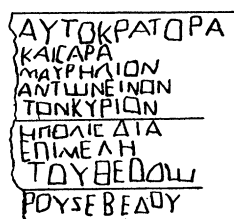


FIG. 49.

αὐτοκράτορα  
Καίσαρα  
Μ(άρκον) Αὐρήλιον  
Ἀντωνεῖνον  
τὸν κύριον  
ἢ πόλις διὰ  
ἐπιμελη-  
τοῦ Θεοδώ-  
ρου Ζεβέδου.



The emperor commemorated might be Marcus Aurelius, Caracalla, Elagabalus or, perhaps, Commodus. The slovenly execution of this, a public, dedication suggests as late a date as possible.

**31.** Rectangular stone block with moulded base and cornice, found in the court facing the propylaea. Height 52 cm., width 50 cm. The stone is greatly decayed, and the letters almost illegible. They are 5 cm. high.

[ἀγ]αθῇ τύχῃ· αὐτοκράτορα Καίσ[α]ρα  
 . . . . . ψῆφον ἀ . . . . .  
 [Αὐ]ρηλίου Μάρκου Αὐρ(ηλίου) Ζοβαίδ[ου]

The stone is of the same provenance and similar appearance to two others (Lucas, *Mitth. d. Pal.-Ver.* 1901, nos. 57 and 58) which are dedications to Severus Alexander and Julia Mamaea. The ἐπιμεληταί (identical in these two inscriptions) are not the same as those recorded above. This indicates a slightly different date for our dedication; perhaps it was to Elagabalus.

**32.** Rectangular stone altar (1.20 m. high), carved on the two sides with a bust in high relief, found in a field SSW. of the village. The inscribed face measures 50 cm. high by 47 cm. wide. The letters are 2.75 cm. high; they are quite well cut; two ligatures (HK and NB) are used. Fig. 50.

ΥΠΕΡ ΤΗΣ ΤΩΝ ΣΕΒΑΣΤΩΝ  
 ΣΩΤΗΡΙΑΣ ΔΙΙ ΚΡΟΝΩ ΚΑΙ  
 ΘΕΑΟΥΡΑΝΙΑ ΜΑΡΚΟΣ ΑΥΡΗΛΙΟΣ  
 ΣΟΛΩΝ ΣΟΛΩΝΟΣ ΒΟΥΛΕΥΤΗΣ ΤΩ  
 Ν ΠΡΩΤΩΝ ΥΠΕΡ ΣΟΛΩΝΟΣ ΥΙΟΥ  
 ΚΑΤΕΥΧΗΝΤΟΣ ΒΩΜΟΝ ΑΝΕΘΗΚ  
 ΕΝ ΕΤΟΥΣ ΤΡΙΑΚΟΣΙΟΤΟΥ ΔΥΣ  
 ΤΡΟΥ ΔΕΥΤΕΡΑ ΚΑΙ ΕΙΚΑΔΙ

FIG. 50.

(on the cornice) ἀγαθῇ τύ[χῃ·]  
 (on the face) ὑπὲρ τῆς τῶν Σεβαστῶν  
 σωτηρίας Διὶ Κρόνῳ καὶ  
 θεᾷ Οὐρανίᾳ Μάρκος Αὐρήλιος  
 Σόλων Σόλωνος, βουλευτῆς τῶ-  
 ν πρώτων, ὑπὲρ Σόλωνος υἱοῦ  
 κατ' εὐχὴν τὸν βῶμον ἀνέθηκ-  
 εν ἔτους τριακοσιοστοῦ τοῦ Δύσ-  
 τρου δευτέρᾳ καὶ εἰκάδι.

The Augusti on March 8, A.D. 238, might be the two Gordians, the news of whose rebellion might just have reached Gerasa; they might on the other hand be Maximin and his son, who, though never officially recognised as Augustus, often receives the title in oriental inscriptions. The deities to whom the altar is dedicated are patently Semitic. The amalgamation of Zeus with his father seems odd, but in Syria both Zeus and Kronos were habitually identified with Helios-Baal (see no. 41 and *I.G.R.R.* iii, 1076). The Heavenly Goddess is presumably Astarte. Τῶν πρώτων is probably not an official distinction, but may imply that M. Aurelius Solon was something analogous to a δεκάπρωτος.

**33.** Rectangular stone stele with moulded cornice and base, found in the S. Theatre. Total height 1·86 m.; inscribed face, 95 cm. high by 43 cm. broad. An older inscription has been roughly chiselled out, and the present inscription rudely cut, or rather scratched, over it. The letters are very irregular in form and height, averaging about 3 cm.

αὐτοκράτορα Καί-  
 σαρα Φλ(άουιον) Οὐαλ(ήριον)  
 Κωνστάντιον  
 τὸν ἐπιφανέστα-  
 τον Καίσαρα  
 Αὐρ(ήλιος) Γοργόνιος ὁ δια-  
 σημότατος ἡγούμε-  
 [ν]ος τῆς ἐπαρχείου  
 διὰ τῶν ἀπὸ στρατη-  
 γιῶν.

Constantius I was Caesar from March 293 till May 305. It is curious to find a dedication to a Western Caesar in Gerasa. Ἡγούμενος is equivalent to ἡγεμῶν (e.g., *Cod. Just.* I, iv, 26, 5, 7 and 8), and ἡ ἐπαρχ(ε)ιος is a regular variant of ἡ ἐπαρχ(ε)ία (Wadd. 2238); the whole phrase is thus equivalent to *perfectissimus vir praeses provinciae*, the regular title of the governor of Arabia under Diocletian (cf. *Rev. biblique*, 1899, p. 19). What the concluding phrase means I do not know. On the analogy of such phrases as ἀπὸ σκριβῶν (Preisigke, *Wörterbuch*, s.v. ἀπό), it would mean retired στρατήγιοι, a word which does not exist, but might mean *praetoriani* (cf. ἡ σπεῖρα στρατηγίς). Or again, on the analogy of such phrases as ἀπὸ κωμῶν (id. *ib.*) it would mean those attached to στρατηγία, which is equivalent to *praetoria*. Or thirdly, on the analogy of ἀπὸ στρατειῶν, it would mean those who have served a certain number of στρατηγίαι (if that were conceivable).

**34.** Stone architrave block, broken in two, found north of St. Theodore's, 1.50 m. long by 46 cm. high. The letters are 7.5 cm. high and well cut. Plate xvi, 34.

. . . . υ σὺν θεῷ τόδε τὸ βαλανῖον ἐκ θε[μελίων . . . . .  
+ τῆς πόλεως ἰζῶ +

The date is A.D. 454-5. It is interesting to see baths being built at such a date, and under Christian auspices.<sup>1</sup> A *sondage* was made in the area north of St. Theodore's and a chamber heated by a hypocaust was uncovered.

**35.** In mosaic on the floor of the church in the SE. corner of the town, immediately in front of the chancel step.

+ ἐπὶ Παύλου τοῦ θεο[φιλε]στάτο[υ καὶ] ὁσιοτά[του]  
ἐπισκόπου ἐπληρώθ[η] τὸ ἄγιον [μα]ρτύριον ἁ[π]λῶς  
εὐλογιῶν αὐτοῦ κα[ὶ] Σάωλα εὐλ[αβεσ]τ(άτου) διακόνου  
καὶ παραμον(αρίου) ἐπιστῶτος Προκοπίο[υ τ]οῦ καθοσ(ιωμένου)  
τῷ θπφ ἔτει Ὑπερβερεταίου χρόν(ων) [ε̅ ι̅]νδ(ικτίωνος) +

The date (according to the Pompeian era) is either October 526, which would be the fifth indiction, or September 527, which would be the sixth. The Pompeian era began (for Gerasa) on or about October 1 (Brünnnow, *Die Prov. Arabia*, iii, p. 304), which falls in the middle of Hyperberetaios.

The word μαρτύριον is equivalent simply to 'church' and does not imply the presence of relics or even dedication to a martyr (see the examples quoted in Sophocles, *Lexicon*). The εὐλογίαι mentioned are 'benefactions.' The office of παραμονάριος, which Saola combined with that of deacon, was concerned with supervision of the sacred building; it is often translated 'aedituus.' The word ἐπιστῶτος I take to be a barbarism for the common ἐφεστῶτος; the substitution of ο for ω presents no difficulties, being very common in late inscriptions (compare ὁσιοτάτου and καθοσ(ιωμένος) in this very inscription). The title καθοσ(ιωμένος) (= *devotissimus*) borne by Procopius indicates that he was a soldier or a member of one of the quasi-military organisations (an *agens in rebus*, *domesticus*, *scholaris*, *protector* or even *silentarius*: see Koch, *Byz. Beamtentitel*, p. 78).

The name Σάωλα seems to be a hybrid form between the Hebrew Shā'ul and the Aramaic Shē'ilā.

<sup>1</sup> Another instance of the dedication of a bath in Christian times is to be found in the *Princeton Exp. to Syria* iii, B., no. 918.

36. Mosaic floor of a circular building, north of the atrium of the church opposite the propylaea. The shorter inscription is in the centre, the longer runs round the border. The Latin 'd' used in the abbreviation for the indiction is noteworthy. Fig. 51.

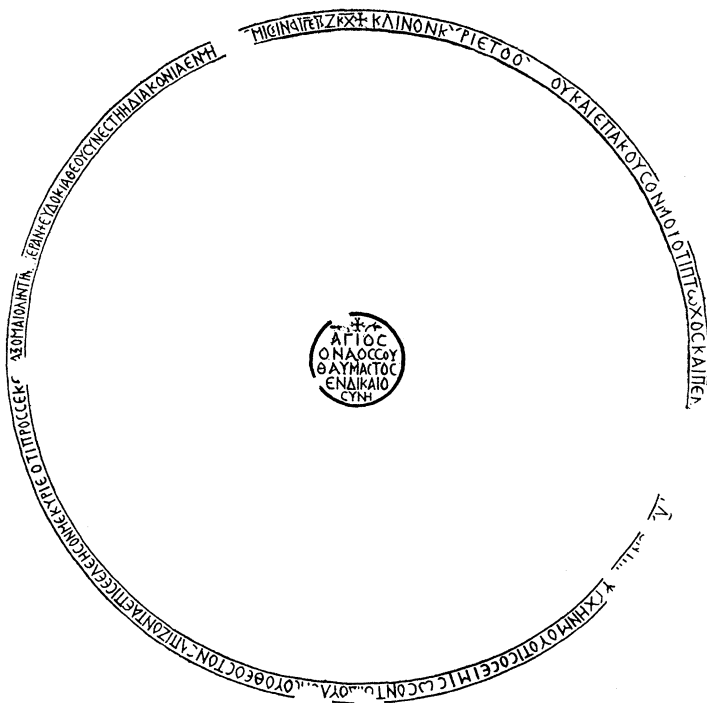


FIG. 51.

ἅγιος  
ὁ ναός σου,  
θαυμαστός  
ἐν δικαιο-  
σύνῃ.

+ κλῖνον, Κύριε, τὸ οὔ[ς σ]ου, καὶ ἐπάκουσόν μου ὅτι πτωχὸς καὶ πέν[ης εἰμι· φ]ίλα[Ξ]ων ψυχὴν μου ὅτι σὸς εἰμι· σῶσον τὸν δοῦλόν σου, ὁ Θεός, τὸν ἐλπίζοντα ἐπὶ σε· ἐλέησόν με, Κύριε, ὅτι πρὸς σε κε[χρ]αίξομαι ὅλην τὴν [ἡμ]έραν. + Εὐδοκία Θεοῦ συνέστη ἡ διακονία ἐν μηνί (νι) Ἀρτεμισιο(ωφ) ἰνδ(ικτιῶνος) ιγ' ἔτ(ους) ζκχ.

The quotation is from *Psalm* 86, verses 1-3; the text is that of the Septuagint, except in line 2, where ὅτι σὸς εἰμι is (probably by a mere mistake) substituted for ὅτι ὁσιός εἰμι. The date is May-June A.D. 565. The διακονία is presumably the office of the deacons, where they distributed charity to the poor of the city; the *diaconiae* at Rome fulfilled these functions (see *Dict. d' arch. chrét. et de lit. s.v.*

‘diaconie’). The only parallel to this use of the Greek word that I can find is the inscription in Naples quoted in Du Cange, *Glossarium*, s.v. ‘diaconia.’

37. Marble slab in three fragments found in the bakehouse in the village, 61 cm. high by 64 cm. wide by 4 cm. thick. The letters are 7 cm. high; they are boldly cut. Abbreviations abound. Fig. 52.

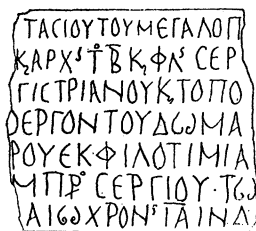


FIG. 52.

[ἐπὶ Φλ(αυίου) Ἀνασ]τασίου τοῦ μεγαλοπ(ρεπεστάτου)  
 [κ(αὶ) περιβλ(έπτου) κόμιτος] κ(αὶ) ἄρχ(οντος) τὸ β κ(αὶ) Φλ(αυίου) Σεργ-  
 [γίου τοῦ καθωσ(ιωμένου) μα]γιστριανοῦ κ(αὶ) τοπο-  
 [τηρητοῦ ἐγένετο τ]ὸ ἔργον τοῦ δώμα-  
 [τος . . . . .]ρου ἐκ φιλοτιμία-  
 [ς τοῦ εἰρημένου ἐ]μπρ(έσθεν) Σεργίου τῷ  
 [. . . ἔτει Γορπι(?)]ζίω χρόν(ων) ἱα ἰνδ(ικτίωνος).

The restorations in this inscription are naturally highly conjectural. That of the second line is based on two inscriptions from Jerash (*Rev. biblique*, 1895, pp. 377–8) which speak of τοῦ μεγαλοπρεπεστάτου καὶ περιβλέπτου κόμιτος καὶ ἄρχοντος. In the third line, it is highly probable that Sergius would have had a title of honour, and καθωσ(ιωμένου) (*devotissimus*) is appropriate for an *agens in rebus* (Koch, *Byz. Beamtentitel*, pp. 78 seqq.), though λαμπρ(οτάτου) might be possible at so late a date (*vid. inf.*). In the fourth line a verb is required; ἐπληρώθη or ἐτελειώθη would be equally possible, though rather long. In the last line the regular formula for the date (cf. no. 35) can be restored with confidence; several other months (Ἀπελλαῖος or Αὐδυναῖος) would do equally well.

The date of the inscription is fixed by the titles of the governor. Up to and during the time of Justinian, μεγαλοπρεπέστατος (*magnificentissimus*) was reserved for *illustres*. The governor of Arabia was until A.D. 536 merely *clarissimus*; in that year Justinian (Novel 102) raised him to a rank equal to that of the duke, that is, to *spectabilis*. This inscription must date from a period later than Justinian, where *spectabiles* had usurped the title *magnificentissimi*. This probably happened towards the end of the sixth century (Koch, *op. cit.* pp. 45 seqq.). The mention of the τοποτηρητής is interesting.

In Novel 8, cap. iv (A.D. 535), Justinian had forbidden governors to send out τοὺς καλουμένους τοποτηρητάς to the cities of their provinces. This effort to preserve the power of the locally elected ἑκδικος was, it appears, as abortive in the East as it was in Byzantine Italy, where Diehl traces the supersession of the municipal *defensor* by the *lociservator* or *dativus* of the governor (Diehl, *Administration byzantine dans l'exarchat de Ravenne*, pp. 110, 118-123).

The inscription is interesting as indicating to how late a date the prosperity of Gerasa continued. It would have been pleasant to know what the building was which was erected.

**38.** Five fragments (one *in situ*, three in the museum and one lost) originally forming the base (approximately 1.86 m. sq. and 23 cm. high) of the northernmost of the four great columns standing in front of the propylaea. The inscription was on the eastern face of the base. The letters, which are 9 cm. high, are beautifully cut in a very elongated style, which suggests the third century. The abbreviation rendered ἑκατόνταρχος is  $\frac{x}{p}$ ; cf. *P. Oxy.* i, 62. Fig. 53.

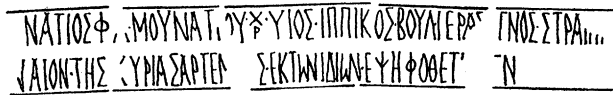


FIG. 53.

[Φλ(αουιος) Μου]νάτιος Φλ(αουίου) . Μουνατίου (ἑκατοντάρχου) υἱός, ἱππικός, βουλ(ῆς) ἱερᾶς, [ἀ]γνός στρατη[γός], | [τὸ πρό]βαιον τῆς κυρίας Ἀρτεμ[ίδος] ἐκ τῶν ἰδίων ἐψηφοθέτ[ησε]ν.

The office of στρατηγός does not occur elsewhere in the Gerasene inscriptions; for the use of the laudatory ἀγνός compare nos. 39 and 40, which also seem to belong to the third century. Remains of a coarse tessellated pavement survive in the area in front of the propylaea.

**39.** Cylindrical cippus, partially buried in the court in the SW. angle of the N. baths. Diameter 50 cm., height more than 1.50 m. The letters are 4.5 cm. high. Fig. 54.

|                |                      |
|----------------|----------------------|
| ΑΥΡΙΟΥΑΙΑΝΟΝ   | Αὐρ(ήλιον) Ἰουλιανόν |
| ΑΠΟ ΣΤΡΑΤΕΙΩΝ  | ἀπὸ στρατειῶν        |
| ΠΑΤΡΩΝ ΑΤΗΣ ΠΟ | πάτρων α τῆς πό-     |
| ΛΕΩΣ ΑΓΝΟΝ ΠΡΟ | λεως ἀγνόν πρό-      |
| ΕΔΡΟΝ          | εδρον                |
| ΗΤΟΥΑΙΩΝΟΣ     | ἡ τοῦ αἰῶνος         |
| ΙΕΡΑΤΕΧΝΗΛ     | ἱερὰ τέχνη λ[ι-]     |
| ΝΥΦΩΝ          | νύφων.               |

FIG. 54.

40. Cylindrical basis found in the street between the propylaea and the Nymphaeum. Height 1 m., diameter 60 cm. The letters are 7 cm. high. Fig. 55.

|                |                      |
|----------------|----------------------|
| ΑΥΡΗΛΙΟΥΛΙΑΝΟΝ | Αὐρήλ(ιον) Ἰουλιανόν |
| ΑΠΟΣΤΡΑΤΕΚΩΝ   | ἀπὸ στρατειῶν        |
| ΤΟΝΑΓΝΩΝΟΜΟΙΣ  | τὸν ἄγνόν λογισ-     |
| ΤΗΝΗΚΡΑΤΙΣΤΗ   | τὴν ἥ κρατίστη       |
| ΒΟΥΛΗΤΟΝΔΙΕΡ   | βουλὴ τὸν δι' ἔρ-    |
| ΓΩΝΠΑΤΡΩ       | γων πάτρω[να].       |

FIG. 55.

The phrase ἀπὸ στρατειῶν (*a militiis*) is not used until the reign of Septimius Severus (Hirschfeld, *Verwaltungs.*, p. 422); this gives a *terminus a quo* for the date of these inscriptions. Further, Aurelius Julianus holds in one the office of λογιστής (*curator civitatis*) and in the other that of πρόεδρος; the latter is a municipal office, mentioned elsewhere on Gerasene inscriptions (*P.E.F. Quarterly Statement*, 1928, p. 193). This would seem to imply that Julianus was a local man, and that therefore the office of curator had already begun to become municipal as opposed to imperial in his time. This would date him to the middle of the third century; with this conclusion accords the use of the *praenomen* Aurelius.

41. Cylindrical basis found near the S. baths. Height 86 cm. diameter 42 cm. The letters are 4 cm. high. Fig. 56.

|               |                  |
|---------------|------------------|
| ΔΙΙΗΛΙΩ ΔΙΙ   | Δι Ἡλίῳ [καὶ] Δι |
| ΣΑΡΑΠΙΔΙΑΥΓΑΣ | Σαραπίδι Αὐγας   |
| ΜΑΛΧΙΩΝΟΕΥΖΑ  | Μαλχίωνος εὐξέ-  |
| ΜΕΝΟΣΤΟΖΩΔΙΟΝ | μενος τὸ ζώδιον  |
| ΑΝΕΗΚΕΝ       | ἀνέθηκεν.        |

FIG. 56.

The two deities, one local and one imported, are found syncretised on another inscription (Ζεὺς Ἥλιος μέγας Σαραπίς, *Rev. biblique*, 1909, p. 448). The dedicator is a Semite, as his names show. Αὐγας<sup>1</sup> is known in a variant form Αὐγαῖος (*Am. Arch. Exp. to Syria*, iii, 115 B, *Princeton Exp. to Syria*, iii, 1132). Μαλχίων is not uncommon (Waddington, 1910, 2557 a).

<sup>1</sup> = Aramaic 'Auga. Compare Safaitic 'G, modern Arabic 'Audj and the biblical Og king of Bashan.

42. Stone altar built into a house (indoors) at Burj, near Suf, WNW. of Jerash. Total height 1.04 m., inscribed face 53 cm. high by 44 cm. wide. The letters are 2.5 cm. high. Fig. 57.

ΠΑΝΤΕΠΟΠΤΗ ΗΛΙΩΙ  
ΛΥΣΙΜΑΧΟΣ ΘΕΟΦΙΛΟΥ  
ΑΝΗΓΕΙΡΕΝ

παντεπόπτη Ἡλίωι  
Λυσίμαχος Θεοφίλου  
ἀνήγειρεν.

FIG. 57.

Παντεπόπτης does not seem to be applied elsewhere to the Sun, although similar compounds are used of him in the poets (e.g. πανόπτης, Aeschylus, *Prometheus* 91) and the word itself is implicit in the Homeric Ἥλιος δς πάντ' ἐφορᾷς (Γ 277). As a cult-title it was applied later to Christ (cf. the church of the Σωτὴρ Παντεπόπτης at Constantinople).

43. Rectangular stone block serving as the SW. base for the baldachino of the altar of St. Theodore's. The inscribed face measures 37 cm. wide by 31 cm. high. The letters are 5 cm. high, beautifully cut, with a large number of ligatures. Fig. 58.



ὑπὲρ τῆς τῶν [Σεβαστῶν]  
σωτηρίας Νατ[ . . . . .]  
ρας Σαμσαίου [υἱὸς στέ-]  
φανον τὸν λιθιν[ὸν τόνδε]  
[ε]ὑσεβῶν ἀνέ[θηκεν].

Fig. 58.

The name Σαμσαῖος<sup>1</sup> occurs elsewhere (Waddington 2557 c and (in the form Σαμσεος) 2007). For the other name Prof. Littmann suggests \*Νατανδουσαρας or \*Ναταρδουσαρας (Dusares has given or protected). Neither name is actually found, but analogous formations like Νατανβααλ (Baal has given) or Ναταρηλος (El has protected) are known, and Dusares was a popular god in this region.

44. Six fragments, forming part of a rectangular block of uncertain dimensions, found in the church opposite the propylaea. Height

<sup>1</sup> = Aramaic Shamshai.



32 cm., width 41 cm. The letters are 2.5 cm. high, deeply and neatly cut. Their style suggests the third century. Fig. 59.

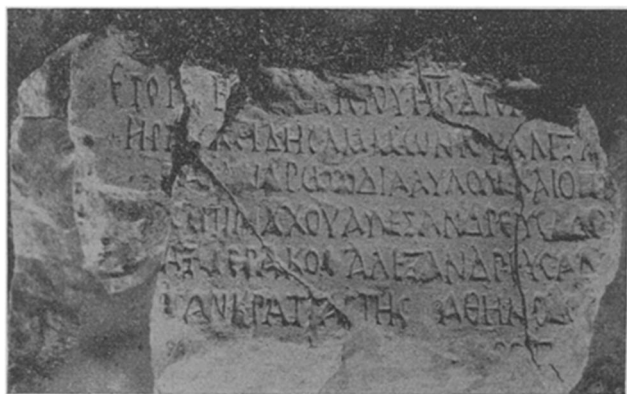


FIG. 59.

ἔτους Ε[. . 'Αρτε]μισίου ἡ̣ Διο[. . . . .  
 'Ηρακλείδης 'Αμμωνίου 'Αλεξ[ανδρεὺς . . . .  
 καὶ ἀνδρῶν διάκυλον καὶ ὀπ[λιτοδρομίαν . . .  
 . .]ς 'Επιμάχου 'Αλεξανδρεὺς 'Αδρι[ανός . . . .  
 'Ιέρ]αξ 'Ιέρακος 'Αλεξανδρεὺς 'Αδ[ριανός . . . .  
 πανκρατιαστῆς 'Αθηνόδω[ρος . . . .

45. Rectangular block found in the road in front of the propylaea, 79 cm. high by 41 cm. wide. The inscription is very obscure. The character of the lettering is very similar to that of the last inscription, but the spacing and dimensions of the lines (which are narrower and farther apart) forbid the assumption that they are parts of one whole.

'Αλεξ[ανδρεὺς ἀνὴρ πένταθλος [  
 'Αλ]εξανδρεὺς 'Αδριανὸς παλαιστ[ῆς  
 'Αλεξ[ανδρεὺς ἵπποτρόφος νεικήσα[ς  
 ? Πτολε]μαίου ἵπποτρόφου νεικήσας δ[ολιχόν ?  
 ]ρίωνος 'Αλεξανδρεὺς ἀγ[γῆς]  
 ]ρος 'Αμμωνίου 'Αλεξανδρεὺς  
 ]ς 'Ηλιοδώρου 'Ηδώνιος π[ρῶτος]  
 Πρ]ωτάρχου 'Αλεξανδρεὺς αἰ[σῆς]  
 Ε]ὐκλέσιος Πρώτου 'Αντιοχεὺς [  
 ]

The two lists are evidently lists of victors in the games of various years. Name, father's name, city, type of athlete and victory are recorded. Nearly all are Alexandrians; some have the additional qualification 'Αδριανός, which presumably indicates membership of an exclusive club founded by or in honour of that emperor. The occurrence of ἵπποτρόφοι is interesting as a proof of chariot-racing.

46. Fragment of the base of a cylindrical stone cippus (provenance unknown). Parts of three lines of inscription remain, two on the shaft, and one on the base. The letters are 5.5 cm. high, not very well cut ; they suggest the late second or third century. Plate xvi, 46.

[ῆ πό]λις Ἀντιοχέων [πρὸς Χρυσορόα]  
[τῶν πρό]τερον Γερρα[σηνῶν]  
[εὐ]σεβείας χάριν ἔτους βμ( or ν) [σ(or τ)].

Of the choice of dates (180, 190, 280, 290) one of the earlier pair is perhaps most probable.

47. Rectangular stone block, built into the north wall of the Nymphaeum. Inscribed face 54 cm. high by 37 cm. wide. The letters are 3 cm. high, carelessly cut. Fig. 60.

|               |                |
|---------------|----------------|
| ΑΓΑΘΗ ΤΥΧΗ    | ἀγαθῇ τύχῃ     |
| ΜΕΛΙΤΩΝ       | Μελίτων Σω-    |
| ΣΙΒΙΟΥ ΜΑΛΛΑΙ | σιβίου Μαλλαι- |
| ΟΥ            | ου.            |

FIG. 60.

The α of Μαλλαίου is a correction for an ε. The name appears elsewhere as Μάλλεος, Μάλλιος (Preisigke, *Namenbuch*, s. v.).<sup>1</sup>

48. The top of a column found to the north of the N. Tetrapylon. Diameter 51 cm. The letters are 6 cm. high. Fig. 61.

|         |                   |
|---------|-------------------|
| MANTION | M(ἄρκον) Ἀντώνιον |
| ΠΡΟΝΟΝ  | Πρό[δε]κτον.      |

FIG. 61.

49. Rectangular stone block, buried just below the surface in the Hippodrome. Height uncertain, length and breadth 62 cm. It formed the socket for some pillar, and is one of four, two at the northern end and two at the southern end of the northern half of the Hippodrome, which was at some date divided into two sections, the northern being still kept for racing (though hardly big enough for chariot-racing), and the southern being converted into a tank, fed by an aqueduct from the 'Ain Kerawân in the town. The insertion of these blocks evidently coincides with this change. The inscription has been much mutilated to adapt the stone to its present use : two lines remain, the upper row of letters (which are badly damaged) measuring 10.5 cm. high, the lower 16.5 cm. The execution is good ;

<sup>1</sup> = Aramaic Mallai.

the style resembles that of nos. 20 and 21 and suggests a date in the second half of the second century. Plate xvi, 49.

. . . νον πρεσβ(ευτήν) Σεβ(αστοῦ) ἀν[τιστράτηγον]  
ἡ πόλις.

The number of governors whose *cognomen* ends in -nus is very large; see Brünnow, *Die Prov. Arabia*, III, pp. 287-299.

**50.** Small rectangular stone altar (bottom broken away) lying by the stream at the point where it leaves the town. The inscribed face is 37 cm. wide and at its highest 26 cm. high. The letters are 4.5 cm. high. Fig. 62.

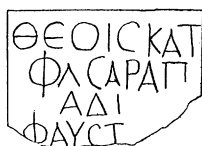


FIG. 62.

θεοῖς κατ(αχθονίοις)  
Φλ(αουίω) Σαραπ-  
άδι  
Φαῦστ[ος . . . . .]

The name Σαραπᾶς seems to be elsewhere unknown. Σαραπᾶς (Preisigke, *Namenbuch*, s.v.) is a different name, its genitive being Σαραπᾶ.

**51.** Stone sarcophagus in the fields to the south of the town, ornamented with a boss between two 'Amazons' shields' on each long face.<sup>1</sup> The inscription runs under the upper moulding of one long face. The letters are 3 cm. high in the top line, 2 cm. in the second. Fig. 63 and Plate xvi, 51.

ΧΑΙΡΕΑΛ Ι ΕΝΑΤΕΙΡΑ ΕΤΩΝ ΙΗ ΧΑΙΡΕΙΝΝΟΥΣΙ ΕΤΩΝ ΙΘ

οι β ΑΔΕΛΦ

FIG. 63.

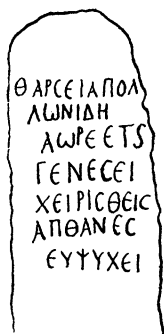
χαῖρε Ἀλθιτᾶ ἐνάτειρα ἐτῶν ιη'. χαῖρε Ἰννουσι ἐτῶν ιθ'.  
οἱ β ἀδελφ[οί].

The name of the sister-in-law is otherwise unknown; the second name corresponds exactly to the modern Arabic Khennusī (*Vocabulaire des noms indigènes*, p. 223). The Arabic *kh* is sometimes dropped in Greek transliterations before a liquid.

<sup>1</sup> 'Amazon's shields,' combined sometimes with bosses, garlands etc., are the standard decoration of the Gerasene sarcophagi. I have not seen a single sarcophagus which was decorated at all, in which

they were not the principal elements of the design. The same device occurs on an inscribed basis from the North theatre (no. 12) and on another similar uninscribed basis, also from the North theatre.

**52.** Semi-cylindrical stone stele found in a house in the village. Inscribed on the flat face, which measures 1.05 m. high by 40 cm. broad; the letters are 5 cm. high. Fig. 64.



θάρσει, Ἀπολ-  
λωνίδῃ,  
ᾧ ὤρε ἐτ(ῶν),  
γενέσει  
χειρισθεὶς  
ἀπ(έ)θανες.  
εὐψύχει.

FIG. 64.

The inscription appears to commemorate a child which had died 'at an untimely age' as the result of an operation to which it was submitted at birth.

**53.** Cylindrical stone stele found in the north vault supporting the acropolis. Height 62 cm., diameter 48 cm. The letters are 6 cm. high, roughly and deeply cut.

ΕΡΛ  
ΧΡΗC  
ΘΑΡCΕΙ  
ΥΠΕ

The word θάρσει makes it clear that it is a tombstone.

**54.** Rectangular stone block, built into a house in the village, high up in the wall. The inscription is framed in a square (32 cm. broad by 30 cm. high) surmounted by a projection of horseshoe shape containing a Greek cross, set with five jewels and surrounded by the letters  $\overline{Α}$  and  $\overline{Ω}$ , and  $\overline{ΙC}$  and  $\overline{ΧC}$ . The letters of the inscription vary in height from 3 to 5 cm. Fig. 65.



μνήμα  
Θώμα  
πανδου-  
ριστού.

FIG. 65.

The *pandoura* was a musical instrument.

**55.** Square stone basis, opposite the Nymphaeum. The main body of this has perished. There only remains (on the cornice):

ΑΓΑΘΗΤΥ

**56.** Blocks built into a house in the village near 'Ain Kerawân. The letters are beautifully cut, 16 cm. high.

(a) IOYCE

(b) CKAM

(c) TO

Similar block built into a wall outside the Mosque.

(d) KAIZ

**57.** Fragment in the court opposite the propylaea. The letters are 45 cm. high.

ΓΑΙΟC

**58.** Fragment of a marble slab from the village; letters 6 cm. high.

ΑΠ  
ΕΠΙ  
ΠΟ

**59.** Fragment of a marble slab from the village; letters 10 cm. high.

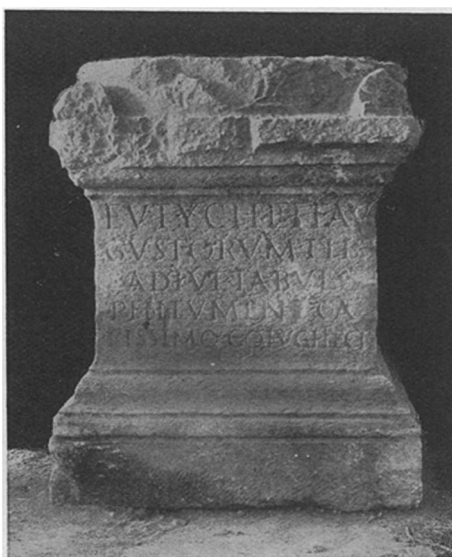
ΥΙ  
ΚΑ

**60.** Fragment of a marble slab from the village; letters 8 cm. high.

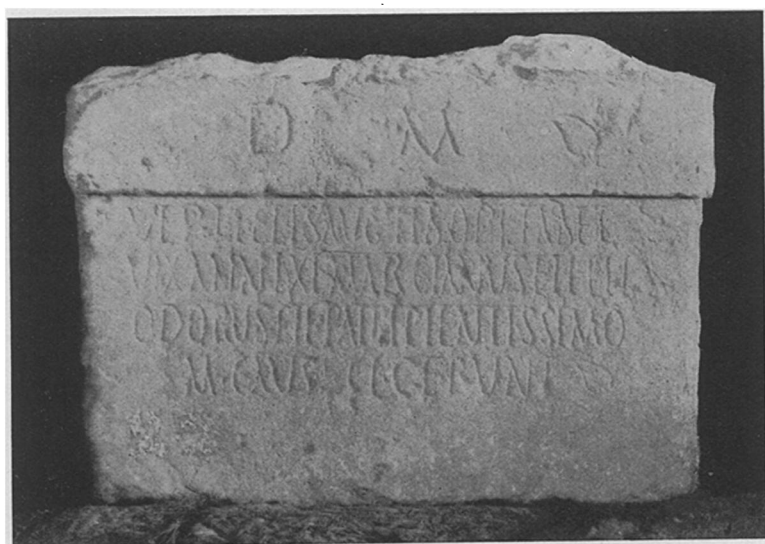
+ HNTON  
TAYTHNA



3



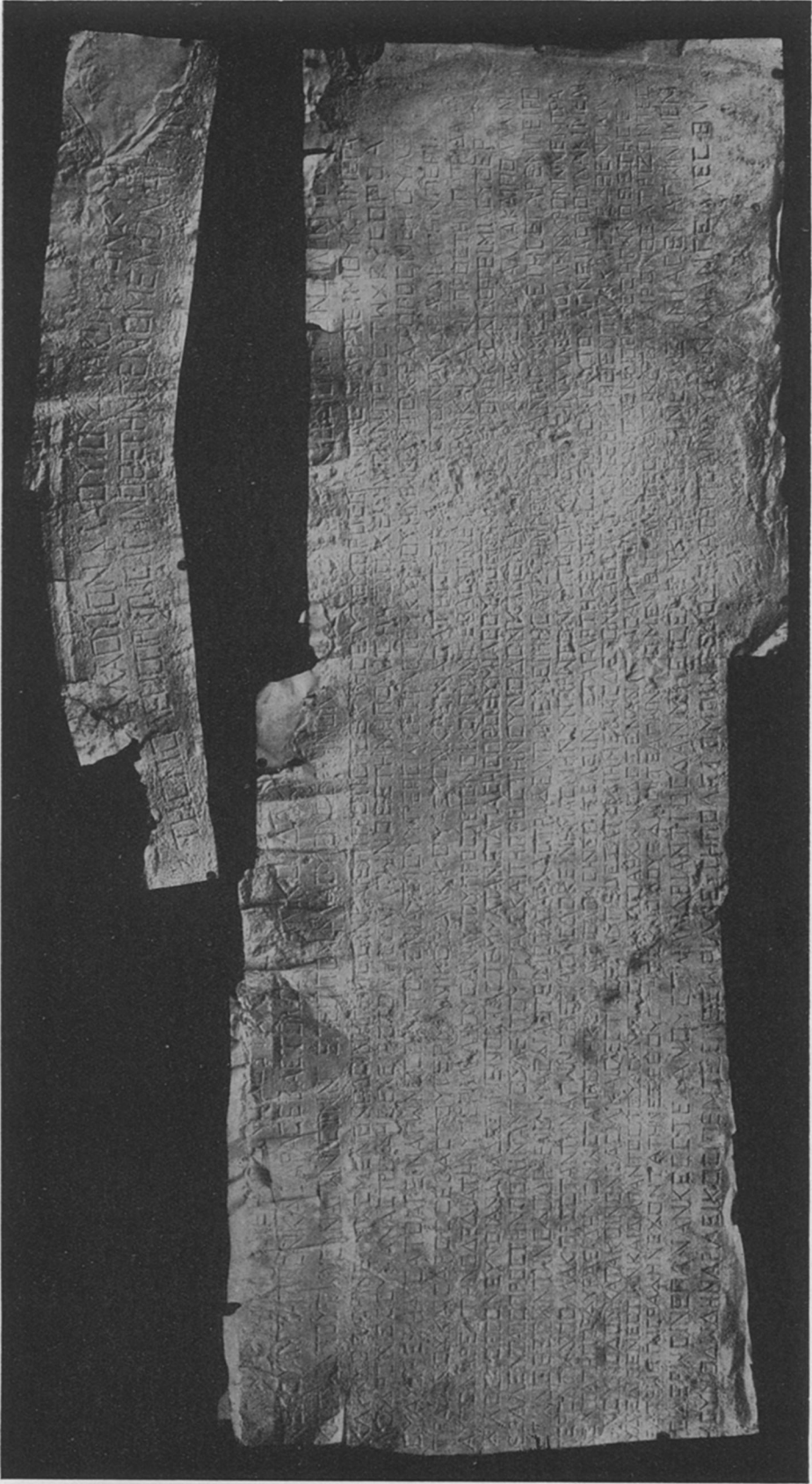
8

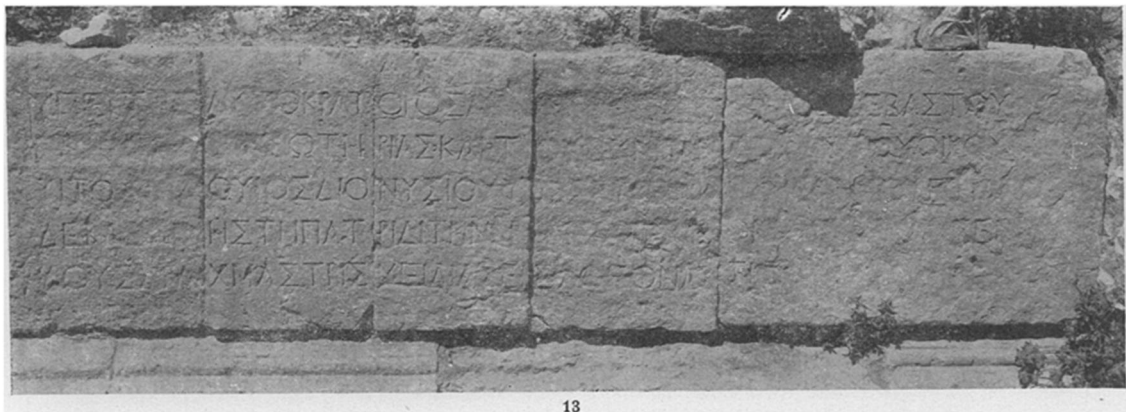


6



11





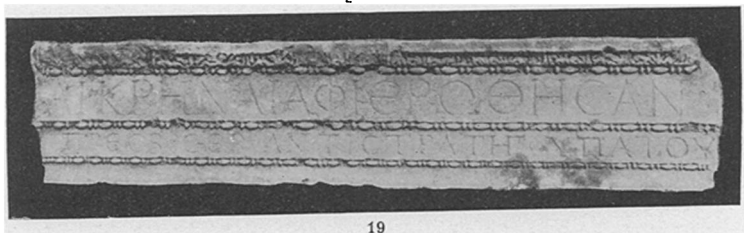
13



15



20



19



22

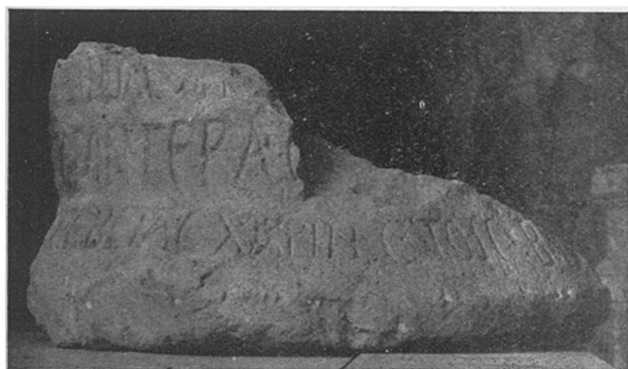




27



34



46



49



51



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## Inscriptions from Jerash.--Part II

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# INSCRIPTIONS FROM JERASH.—PART II.<sup>1</sup>

By A. H. M. JONES.

(Plate 11)

**61.** Fig. 6.<sup>2</sup> Three blocks forming the lintel of a doorway at the head of the steps descending into the Fountain Court from the north. The inscription originally ran across all three blocks, but the part on the last block has been completely obliterated by weathering. Height of inscribed face, 15 cm. ; lengths, 78 cm. and 92 cm. Height of letters, 3·5 cm. The sign rendered ἔτους is L.

ἀγαθῇ τύχῃ · (ἔτους) λρ'.  
 ὑπὲρ τῆς τῶν Σεβαστῶν σωτηρ[ί]ας Σαραπίων Ἀπολλωνίου τοῦ Δη[μητρίου]  
 . . . Νέρωνος]  
 Κλαυδίου Καίσαρος ἔδωκε ε[ί]ς οἰκοδομὴν ἀνδρῶνος καὶ θύρας [δραχμὰς . . .  
 χειλίας]  
 τετρακοσσίας (sic) εὐσεβείας χάριν.

The year is equivalent to A.D. 67–8, and the Σεβαστοί must, therefore, be Nero and his third wife, Statilia Messallina. Thus the present text is an addition to the scanty evidence, collected by Nagl in *P.-W.* s.v. Statilius (Messallina), iii A, col. 2209, which shows that in the East Statilia Messallina, like other consorts not known officially to have received the title *Augusta*, was occasionally described as Σεβαστή. The emperor alluded to must be Nero, as Claudius would be styled [Θεοῦ] Κλαυδίου without Καίσαρος. It would be interesting to know what was the position which the dedicator, a freeborn citizen of a Greek city, held under the emperor ; it must have been one of a personal character, physician, or perhaps, in view of Nero's artistic proclivities, professor of music or elocution. Sarapion's family is heard of later in Gerasa (see no. 10).

A public building termed ἀνδρῶν is known at two other places only—Segesta (*C.I.G.* 5545) and Samos (*Plut. Q. Gr.* 303, 44). It was perhaps a public banqueting hall in the latter case. Vitruvius (6, 10. § 52) uses the word to mean a passage, which is perhaps the likeliest sense in this context.

<sup>1</sup> Part I of this article, including inscriptions nos. 1–60, was published in *J.R.S.* xviii, 144–178.

<sup>2</sup> Figs. 5, 6, 7, 11, 12, 13 and 14 have been made from tracings of squeezes, while figs. 9 and 10 are from copies made at half scale.

ΙΑ ΕΠΤΑ ΕΙΛΙΑΛ ΑΤΟΝΠΕ  
ΝΥΗΦΙΣΜΑΤΑ ΕΚΤΩΝΙ Ν ΑΤΕΥ ΧΗΡ

// ΟΜΟΥΛΗΧΠΣ  
ΟΚΕΝΔΡΑΧΑΙΣΟΚΤΑΚΙΣΧΕΙΛΙΑΙΣ

ΟΗΚΟΝΤΑΕΖΘΕΩΝΔΗΜΗΤΡΙΟΥΟΤΟΥ  
ΕΒΩΝΕΙΣΤΗΝΟΙΚΟΔΟΜΗΝΔΙΟCΟΛΥΜ  
ΣΑΜΕΝΟΙΟΙΠΟΛΕΙΤΑΙΑΝΕΛΑΒΟΝΕΙC  
ΥΥ' ΕΙCΤΗΝΜΕΛΛΟΥCΑΝΧΑΛΚΗΝ  
ΟΥΔΙΟCΦΥΖΙΟΥΑΛΛΑCΕΠΕΔΩΚΕΝΔΡΑΧ  
ΑCΤΡΙΑΚΟCΙΑCΔΕΚΑΤΕCΣΑΡΑC  
ΑCΕΠΙΔΟΘΕΙCΑCΑΠΑΔCΑCΕΙΝΑΙ  
ΥΚΑΛΟΥΔΟΚΙΜΟΥΔΡΑΧΜΑCΜΥΡΙΑC  
// ΟΜΟΥΛΗ

FIG. 5. NO. 62. (Scale:  $\frac{1}{4}$ ).

62. Fig. 5. Rectangular stone block found in S. John the Baptist's church (inscribed face, 55 cm. high by 90 cm. wide). The letters are 1·5 cm. high in the top two lines, 3 cm. high in the third and thirteenth, and 2·5 cm. high in the rest. The sign rendered δραχμαί in the third and thirteenth lines is L.

- ... δραχ[μ]ά[ς] ἑπτα[κισ]χειλιάς [ἐ]κατὸν πε[ντήκοντα (?)] ...  
 ... κατὰ τ[ὴν] ψηφίσματα ἐκ τῶν ἐ[ρ]ῶν κατ' εὐχὴν [χρημάτων (?)] ...  
 (two oblique strokes) ὁμοῦ (δραχμαί), ηχπς.  
 ἄλλας ἐπέδ[ω]κεν δραχ[μ]αῖς ὀκτακισχειλίαις [ἐξ-]  
 5 [ακοσίαις ὀγδ]οήκοντα ἕξ Θέων Δημητρίου ὁ τοῦ  
 [. . . . .] εὖς [εβ]ῶν εἰς τὴν οἰκοδομὴν Διὸς Ὀλυμ-  
 [πίου ἃς ἀναδε]ξάμενοι οἱ πολεῖται ἀνέλαβον εἰς  
 [. . . . .] γυν εἰς τὴν μέλλουσαν χαλκῇν  
 [εἰκόνα τ]οῦ Διὸς Φυξίου. ἄλλας ἐπέδωκεν δραχ-  
 10 [μὰς χειλί]ας τριακυσίας δεκατέσσαρας,  
 [ὥστε τ]ὰς ἐπιδοθείσας ἀπάσας εἶναι  
 [ἀργυρίο]ν καλοῦ δοκίμου δραχμὰς μυρίας.  
 (two oblique strokes) ὁμοῦ (δραχμαί) Λ

Theon, son of Demetrius, is mentioned in another inscription (*I.G.R.R.* iii, 1355), dated A.D. 69–70. He is there recorded to have been priest of Zeus Olympios, and to have made two donations, one of 1100 drachmae for the ἱερόδουλοι of the god, and another of 1000 or more (the stone is broken away at this point) for the building of the temple. The latter gift may be identical with that recorded here; in any case the date of the inscription is approximately fixed.

We know from three other inscriptions (Lucas, *Mitth. d. Pal.-Ver.*, 1901, nos. 8 and 10, and *Rev. bibl.*, 1909, p. 451), dated A.D. 23, 43 and 44 respectively, that funds had long been collecting for the building of the great temple dominating the south end of the city, which was eventually dedicated in A.D. 163 (Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 18). The nature of the transaction recorded in the accounts before us is not very clear. Apparently Theon had by his donation brought up the total thus far accumulated, 8686 drachmae, to the round sum of 10,000, but the people temporarily (the words missing in line 8 evidently bore this meaning—perhaps εἰς τὸ παραυτίκα] would serve to fill the gap) diverted the donation to a more pressing need, the bronze statue of Zeus Phyxios. Is it possible that the citizens had vowed this statue in gratitude for their escape from the perils of the Jewish war, during which, despite the ravaging of their territory (Jos., *B. J.* ii, 18, 1), they escaped remarkably lightly, avoiding by their moderation the sanguinary riots which afflicted other Greek cities (*id.*, *ib.*, iii, 3, 3) ?

63. Fig. 7. Two stone entablature blocks, found in the Fountain church. Total height, 46 cm. Height of fasciae, 12 cm.,

ΥΠΕΡΤΗΣ ΤΩΝ ΣΕΒΑΣΤΩΝ ΣΩΤΗΡ ΑΣ ΣΑΡΑΠΙΩΝ ΑΠΟΛΛΩΝΙΟΥ ΤΟΥ ΔΗ  
 ΚΛΑΥΔΙΟΥ ΚΑΙ ΣΑΡΟΣ ΕΔΩΚΕΝΕ Σ ΟΙΚΟΔΟΜΗΝ ΑΝΔΡΩΝΟΣ ΚΑΙ ΘΥΡΑΣ  
 ΤΕ ΤΡΑΚΟΣ ΣΙΑΣ ΕΥΣΕΒΕΙΑΣ ΧΑΡΙΝ

FIG. 6. no. 61. (Scale:  $\frac{1}{8}$ ).

|                            |                 |                       |
|----------------------------|-----------------|-----------------------|
| ΑΘΗΤΥΧΗΙ                   | ΕΤΟΥΣ 51Ρ       | ΙΟΥ ΠΑΚΕΙΔΑΚΑΙ ΗΡΑΚΚΥ |
| ΜΕΡΟΣ ΡΑΓΕΛΟΥ ΙΑΡΧΙΒΟΜΙΣΤ' |                 | ΟΜΗΓΙΕΡΟΥ ΘΕΑΚΙ ΗΡΑΚΚ |
| ΗΓΙΔΙΑΣ ΓΥΝΑΙΚΩΝ           | ΚΕΙΣ ΤΗΝ ΚΤΙΣΙΝ |                       |
| ΕΥΣΕΒΕΙΑΣ ΕΝΕΚΕΝ           | ΔΡΑΧ ΕΠ         | ΩΣΙΑΚΙ                |

FIG. 7. no. 63. (Scale:  $\frac{1}{8}$ ).

11 cm. and 7 cm. ; length, 60 cm. and 61 cm. The letters are 2 cm. high. The blocks have been cut down for re-use, and a few letters are therefore missing at the ends. The second is also broken. The second block has been already published (Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 6).

[ἀγ]αθῇ τύχηι · ἔτους ςλρ'.

[᾽Α]μερος ᾽Ραγέλουι (*sic*) ἀρχιβωμιστῆ[ς Διὸς ᾽Ηλ]ίου Πακειδᾶ καὶ ᾽Ηρας  
συ[μβίου ἐκ διαθήκης]

[τ]ῆς ιδίας γυναικῶς (*sic*) εἰς τὴν κτίσιν [τῆς οἰκοδ]ομῆς ἱεροῦ θεᾶς ᾽Ηρας  
σ[υμβίου . . . . .]

εὐσεβείας ἔνεκεν δραχ(μᾶς) ἐπ[τακ]ωσίασι (*sic*).

The cutting is not very accurate ; noticeable is the substitution of ω for ο in two places, and the insertion of a superfluous ι after ᾽Ραγέλου and probably (unless, as seems unlikely, it is intended to be the numeral ten) after ἐπτακωσίασι.

The date is A.D. 73-4. The names are both Semitic ('amir = prince and ragil = man) and are not uncommon in the district (cf. *Princeton Exp. Syr.* iii A, 407 and 733). The epithet of the god is otherwise unknown. ᾽Αρχιβωμιστής is a ἄπαξ λεγόμενον, nor is the simple βωμιστής found ; only a parallel feminine form βωμιστρία is known (Nic. *Al.* 217).

**64.** Plate ii, no. 1. Rectangular stone basis, found in S. George's church. Total height 43 cm. Height of inscribed face, 19 cm. ; breadth, 60 cm. The letters are 4 cm. high.

ὑπὲρ τῆς Σεβαστῶν σω-

τηρίας Τίτος Φλάουιος Φλαουίου

Κεριαλίου υἱὸς Κυρῖνα Φλάκκος τῇ

κυρίᾳ πατρίδι ἀνέθηκεν.

(on the bottom moulding) [ἔτου]ς ηοε'.

The date is A.D. 115-116, when Trajan and Plotina were Σεβαστοί. The father of the dedicator probably took his *cognomen* from S. Vettulenus Cerialis, commander of the fifth legion in the Jewish war (Jos., *B. J.* iii, 7, 32 ; vi, 4, 3), and therefore probably received his citizenship for service in this war. He would then be the founder of the family of the Flavii Flacci, prominent in Gerasa in the second century (see Jones, *J.R.S.* xviii, p. 155).

**65.** Fig. 8. Rectangular stone block, built into the jamb of a door in the circle surrounding the South Tetrapylon. Height,

77 cm.; breadth, 54 cm. The letters are 3·5 cm. high in the top line, 3 cm. in the second, and 2·5 cm. in the rest.

Λυσᾶν Ζεβεΐνου τοῦ  
 Μάλχου, κατὰ δὲ υἱοθε-  
 σίαν Μάλχου πάππου,  
 Μάλχος ὁ καὶ Ζεβεΐνας  
 Μάλχου ἐξαδέλφου τοῦ  
 Λυσᾶ ἀκολουθῶς διαθήκαις  
 τοῦ Λυσᾶ καὶ Μάλχου πατρὸς  
 αὐτοῦ ἀνέστησεν. (leaf).  
 ἔτους ᾠς Ἀπελλαίου κγ.



FIG. 8. NO. 65.

The date is 23 December, A.D. 143. Λυσᾶς (cf. *Princeton Exp. Syr.* iii A, 9) is presumably an abbreviated form of a Greek name like Lysanias. The other two names are Semitic. Μάλχος is very common at Gerasa (cf. Lucas, *Mitth. d. Pal.-Ver.*, 1901, nos. 3, 6, etc.). Ζεβεΐνας has not been so far found at Gerasa, but it is common in Syria (cf. *Am. Arch. Exp. Syr.* iii, 49 and *Princeton Exp. Syr.*, iii B, 1067).



66. Fig. 9. Rectangular stone block built into a wall in a room north of the Fountain steps. Height, 75 cm.; breadth, 58 cm. The letters are 4.5 cm. high. The abbreviation rendered Φλαουίου is  $\hat{\Phi}$ .

Λικίνιον Ουαλεριανόν  
 εὐσεβῆ εὐτυχῇ σεβαστὸν  
 ἡ πόλις δι' ἐπιμελητοῦ  
 Φλ(αυίου) Ἀγριππείνου Εὐμενοῦς.

ΛΙΚΙΝΙΟΝΟΥΑΛΕΡΙΑΝΟΝ  
 ΕΥΣΕΒΗΕΥΤΥΧΗΣΕΒΑΣΤΟΝ  
 ΗΠΟΛΙΣΔΙΕΠΙΜΕΛΗΤΟΥ  
 ΦΑΓΡΙΠΠΕΙΝΟΥΕΥΜΕΝΟΥΣ

FIG. 9. NO. 66. (Scale:  $\frac{1}{6}$ ).

This inscription (A.D. 253–260) is the latest instance as yet known of a public dedication by the city of Gerasa.

67. Fig. 10. Rectangular stone stele, found in the western colonnade of the main street, south of the Nymphaeum. It has been shaped into a lintel with curved under-face (hence the loss of the ends of the lines), and is broken in two. Maximum height, 1.65 m.; maximum breadth, 46 cm. The letters are 4 cm. high.

Φλ(άουιον) Ἀγριππεῖνο[ν]  
 Φλ(αυίου) Εὐμενοῦς  
 ἐκ γένους εὐγ[ενοῦς]  
 στρατηγὸν καὶ πα-  
 τρώνα τῆς κα[ολω-]  
 νείας Γ(άιος) Ἰούλι[ος]  
 Φίλιππος ὁ κα[αὶ]  
 Σιμπλίκις (sic) τῆ[μῶν]  
 τὸν ἑαυτοῦ πα[τρῶ-]  
 να εὐνοίας κα[αὶ]  
 στοργῆς χάρι[ιν.]

ΦΛΑΓΡΙΠΠΕΙΝΟ  
 ΦΛΕΥΜΕΝΟΥΣ  
 ΕΚΓΕΝΟΥΣΕΥΙ  
 ΣΤΡΑΤΗΓΟΝΚ  
 ΤΡΩΝΑΤΗΣΙ  
 ΕΙΑΣΓΙΟΥΛΙ  
 ΦΙΛΙΠΠΟΣΟΝ  
 ΣΙΩΠΛΙΚΙΣΤΙ  
 ΤΟΝΕΑΥΤΟΥΠΛ  
 ΝΑΕΥΝΟΙΑΣΙ  
 ΣΤΟΡΓΗΣΧΑΡ

FIG. 10. NO. 67. (Scale:  $\frac{1}{8}$ ).

The date of this inscription is roughly fixed by no. 66, where Flavius Agrippinus also figures; this inscription is probably the later of two, since he here enjoys a higher dignity. The office of στρατηγός at Gerasa is known from one other inscription (Jones, *J.R.S.* xviii, p. 171, no. 38). If Agrippinus's family received the citizenship from one of the Flavian emperors, he could justifiably pride himself on his noble birth. The dedicator evidently owed his citizenship to Philip the Arab (244-249).

If my restoration of line 5 is correct, Gerasa was raised to the rank of a colony in the latter part of the third century. It was still merely a πόλις in Valerian's reign (cf. no. 66), but it must have been promoted not very long after.

**68.** Fig. 11. Marble pilaster base, forming part of the niche at the head of the Fountain steps. Inscribed face, 34 cm. high and 40 cm. broad. The letters are 2 cm. high. The face has been chipped for the application of plaster.

ὑπὲρ τῆς τῶν Σεβαστῶν  
 σωτηρίας θεῷ ἁγίῳ Ἀραβικῶι  
 Ἀλέ[ξ]ανδρος Ἀνθου ἀδελφός  
 Δ[ι]ονυσίου ἱερέος τὰς παραστά-  
 δας σὺν τοῖς βωμοῖς ἐκ τῶν  
 ἰδίων εὐσεβείας ἔνεκεν. (leaf).

ΥΠΕΡΤΗΣ ΤΩΝ ΣΕΒΑΣΤΩΝ  
 ΣΩΤΗΡΙΑΣ ΘΕΩ ΑΓΙΩ ΑΡΑΒΙΚΩΙ  
 ΑΛΕ ΑΝΔΡΟΣ ΑΝΘΟΥ ΑΔΕΛΦΟΣ  
 Δ ΟΝΥΣΙΟΥ ΙΕΡΕΟΣ ΤΑΣ ΠΑΡΑΣΤΑ  
 ΔΑΣ ΣΥΝ ΤΟΙΣ ΒΩΜΟΙΣ ΕΚ ΤΩΝ  
 ΙΔΙΩΝ ΕΥΣΕΒΕΙΑΣ ΕΝΕΚΕΝ

FIG. 11. NO. 68. (Scale:  $\frac{1}{3}$ ).

The 'Arabian god' (=Dusares) occurs in two other Gerasene inscriptions (Lucas, *Mitth. d. Pal.-Ver.*, 1901, no. 7 and Jones, *J.R.S.* xviii, p. 158, no. 18). Διονύσιος may here be the Greek version of a Semitic name compounded with the name of this god, who was generally equated with Dionysus. Παραστάδες (cf. Wadd. 2372) are equivalent to the Latin *antae*.

The character of the lettering suggests a date at the end of the first or the beginning of the second century A.D.

**69.** Fig. 12. Rectangular stone altar, found in the Fountain church. Total height, 74 cm.; height of inscribed face, 37 cm.; breadth, 31 cm. The letters are 1.25 cm. high.

ὑπὲρ τῆς τῶν Σεβαστῶν σωτηρίας  
 [Β]ηλάβακα Ὁατάβης ἀπελεύθερος  
 [Ἀ]πολωνίου (*sic*) Ἀντιόχου τὸν βωμ-  
 ὸν ἐκ τῶν ἰδίων εὐσεβείας χάριν.

ΥΠΕΡ ΤΗΣ ΤΩΝ ΣΕΒΑΣΤΩΝ ΣΩΤΗΡΙΑΣ  
 ΊΛΑΒΑΚ ΑΘΑΤΑΒΗΣ ΑΠΕΛΕΥΘΕΡΟΣ  
 ΠΟΛΩΝΙΟΥ ΑΝΤΙΟΧΟΥ ΤΟΝ ΒΛΩΜ  
 ΟΝΕΚ ΤΩΝ ΙΔΙΩΝ ΕΥΣΕΒΕΙΑΣ ΧΑΡΙΝ

FIG. 12. NO. 69. (Scale:  $\frac{1}{3}$ ).

The two Semitic names are otherwise unknown in Greek. *Βηλάβακα* looks like the medieval and modern Arabic name of Heliopolis, Baalbek; and, seeing that the practice of calling persons after places is quite common among Semitic peoples, is probably a Greek transliteration of its ancient equivalent, hitherto unknown. If this be the case, we have here yet another instance of the recrudescence of an old Semitic place-name after a temporary eclipse by a Greek name (cf. Rabboth Ammon—Philadelphia—‘Amman). *Ῥατάβη* is a transliteration of the Arabic female name *watbā*, ‘with prominent breasts.’

70. Fig. 13. Rectangular block of pink marble, found in S. George’s church. Inscribed face, 11 cm. high by 49 cm. wide, surrounded by a moulded frame, 6 cm. broad. The letters are 1.5 cm. high.

ἀγαθῇ τύχῃ  
 ὑπὲρ τῆς τῶν Σεβαστῶν σωτηρίας Ἀπολλώνιος  
 Δημητρίου τοῦ Σαραπίωνος ἱερώμενος ἐξ ἐπανγγελίας  
 τῇ κυρίᾳ πατρίδι τὸ ἄγαλμα ἐκ τῶν ἰδίων ἀνέθηκεν.

ΑΓΑΘΗ ΤΥΧΗ  
 ΥΠΕΡ ΤΗΣ ΤΩΝ ΣΕΒΑΣΤΩΝ ΣΩΤΗΡΙΑΣ ΑΠΟΛΛΩΝΙΟΣ  
 ΔΗΜΗΤΡΙΟΥ ΤΟΥ ΣΑΡΑΠΙΩΝΟΣ ΙΕΡΩΜΕΝΟΣ ΕΞ ΕΠΑΝΓΕΛΙΑΣ  
 ΤΗ ΚΥΡΙΑ ΠΑΤΡΙΔΙ ΤΟ ΑΓΑΛΜΑ ΕΚ ΤΩΝ ΙΔΙΩΝ ΑΝΕΘΗΚΕΝ

FIG. 13. NO. 70. (Scale:  $\frac{1}{4}$ ).

The dedicator was evidently a member of the same family as Sarapion, son of Apollonius, son of Demetrius, in no. 61—perhaps, if the names always recurred in the same order, his grandson.

**71.** Plate ii, no. 2. Twenty-one white marble strips, 2·5 cm. thick, from 5 to 7 cm. broad, and of various lengths. They have been cut from a slab bearing a long inscription, in elegiac verse. The cutting is more or less parallel to the lines of the inscription but disregards it entirely; thus a strip sometimes consists of a single line, sometimes of the lower half of one and the upper half of the next. The strips can be fitted together into two groups as follows; the relation of the beginnings of lines in group (b) and the ends of lines in the latter part of group (a) cannot be determined. The letters are 3 cm. high, and are beautifully cut; they suggest a first-century date.

- (a) Ἡ|ρά|δα τ|ήν ζα|θέην κ|χι Λυσιμά|χην ἄ|μα Φ|άλληι  
 Ἰ|χι|όσι χα|λκε|ί|φι[ς τί]ε|το τὰς |ζακόρους  
 . . . σ|αν ἦ|τε πολ|ήων  
 . . . χα|ριζο|μέν|η  
 . . . ω ὑ|πεδέ|ξ|αο | νή|ωι  
 . . π|ροτέρων ἐ|τέ|ων  
 . . θύ|ρας ἐ|πιθε|ῖσα . . .

- (b) Εἰν . . ἐπαρ . .  
 [Μ]οῦν|ας γὰρ . . .  
 Τρί|σσας | ἀδ[μ]ή|τας (?) . .  
 Παν|τότ|ε θη . . .

There is not enough surviving to make any connected sense. The poem seems to concern three virgin (?) priestesses, whom a goddess graciously received into her temple and whom some one honoured with bronze statues.

**72.** Fig. 14. Stone block found outside the town to the west. Inscribed face, 42 cm. high by 27 cm. broad. The letters, very rough and irregular, are from 3 to 4 cm. high.

Σαβεῖ-  
 να Νω-  
 νω ἐ[ν-]  
 θάδε τέ-  
 θηπται  
 ὡς ἐτῶν  
 εἴκοσι ὄνο.

C A B E I  
 N A Λ I W  
  
 N w L  
 Θ A Z E T E  
 Θ Λ Π T A I  
 W C E T W N  
 E I K O C I Λ Y O

FIG. 14. NO. 72. (Scale:  $\frac{1}{4}$ ).

I cannot vouch for the second name, which is almost illegible.



1.



2.

INSCRIPTIONS FROM JERASH, NOS. 64 ( $\frac{1}{6}$ ) AND 71 ( $\frac{1}{10}$ ) (see pp. 43-53).



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The Urbanization of the Ituraean Principality

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# THE URBANIZATION OF THE ITURAEAN PRINCIPALITY

By A. H. M. JONES

(Plate xxxi)

In a previous article<sup>1</sup> I discussed the urbanization of the territory of the Jews. In this I propose to treat the administrative development of the territory of another backward people of Syria, the Ituraeans. The history of the two peoples is somewhat similar. The princes of the Ituraeans, who like the Maccabees were at the same time high-priests,<sup>2</sup> like them took advantage of the disintegration of the Seleucid kingdom to carve out for themselves an independent dominion at the expense of the neighbouring tribes and cities. Their progress was similarly checked by the Roman conquest, and their principality was similarly curtailed and divided, until eventually it was absorbed into the regular provincial administration.

The Ituraean principality is first heard of in the early part of the first century B.C. under the rule of Ptolemy, son of Mennaes.<sup>3</sup> By means of a heavy bribe he secured recognition by Pompey<sup>4</sup> and bequeathed his dominions to his son Lysanias.<sup>5</sup> Lysanias shortly fell a victim to the ambition of Cleopatra,<sup>6</sup> but the principality remained intact,<sup>7</sup> being leased by the queen to one Zenodorus,<sup>8</sup> probably his son, certainly a member of the royal house.<sup>9</sup>

The extent of the principality at this date can be inferred from the references of Josephus and Strabo to Ptolemy and Zenodorus themselves, supplemented by evidence, both literary and epigraphic, for the boundaries of the tetrarchies into which it was later divided. The centre of the Ituraean power was the valley of Massyas, containing the secular and religious capitals, Chalcis and Heliopolis, and the two flanking ranges of Lebanon and Antilebanon (Strabo, xvi, ii, 10). Southward their territory extended almost to the Sea of Galilee; Paneas and Ulatha, east of the upper Jordan belonged to Zenodorus at his death,<sup>10</sup> and, if the territory conquered from the Ituraeans and forcibly Judaized by John Hyrcanus is rightly identified with

<sup>1</sup> Above, pp. 78-85. The following abbreviations are used in this article:

IGRR=*Inscriptiones Graecae ad res Romanas pertinentes*.

CIL=*Corpus Inscriptionum Latinarum*.

Wadd.=Waddington, *Inscriptions grecques et latines de la Syrie*.

PEF=*Palestine Exploration Fund, Quarterly Statement*.

Dussaud, *Voyage*=Dussaud et Macler, *Voyage archéologique au Safâ et dans le Djebel Druze*.

Dussaud, *Mission*=Dussaud et Macler, *Mission scient. dans les Régions désertiques de la Syrie moyenne* (Nouv. Arch. des missions scient. x, 1903).

<sup>2</sup> Head, *Hist. Num.* 2, pp. 783, 784.

<sup>3</sup> Josephus, *Ant.*, xiii, xv, 2; xvi, 3; *Bell.*, i, iv, 8; v, 3; Strabo, xvi, ii, 10, p. 753.

<sup>4</sup> *Jos., Ant.*, xiv, iii, 2.

<sup>5</sup> *Jos., Ant.*, xiv, xiii, 3; *Bell.*, i, xiii, 1.

<sup>6</sup> *Jos., Ant.*, xv, iv, 1; *Bell.*, i, xxii, 3, Dio Cass., xlix, 32.

<sup>7</sup> The phrases employed by Josephus (*Ζηνόδωρος τις ἐμεμίσθωτο τὸν οἶκον τοῦ Λυσανίου* and *Ζηνόδωρος ὁ τοῦ Λυσανίου μεμισθωμένος οἶκον*) imply that he took over the whole domain. Zenodorus also bears the same titles as his predecessors on his coins; the title of ἀρχιερεὺς, it should be noted, implies that he ruled Heliopolis.

<sup>8</sup> *Jos., Ant.*, xv, x, 1; *Bell.*, i, xx, 4.

<sup>9</sup> IGRR, iii, 1085.

<sup>10</sup> *Jos., Ant.*, XV, x, 3.

Galilee and Gaulanitis,<sup>1</sup> it follows that the mountainous country north of Galilee and east of the upper Jordan was also theirs. From this central territory they had encroached westward on the Phoenician cities, establishing the forts on the sea shore, harrying Byblus and Berytus, and occupying Botrys and Arca.<sup>2</sup> To the east they almost encircled Damascus, which Ptolemy had serious hopes of taking.<sup>3</sup> North of the city, along the eastern slopes of Antilebanon, they ruled a tract of country stretching from Abila and Chalybon in the south to Iabruda in the north.<sup>4</sup> South of it they ruled Batanaea, Trachonitis, and Auranitis.<sup>5</sup>

The disintegration of the principality was gradual. The Romans first found it necessary to interfere on the Phoenician coast. Here Pompey demolished some of the Ituraean strongholds.<sup>6</sup> Octavian also seems to have done something in this region on his first visit to Syria, for the two cities most affected, Botrys and Byblus, adopted the Actian era<sup>7</sup>; he perhaps assigned some Ituraean territory to them. A few years later the Damascenes obtained a hearing for their grievances, and in 24 B.C. Augustus transferred Batanaea, Trachonitis and Auranitis to Herod.<sup>8</sup> He proved worthy of his trust, and, on Zenodorus' death four years later, he received a further accession of territory in Ulatha and Paneas.<sup>9</sup> This region was apparently all that was left to Zenodorus when he died, so we must presume that the complaint of the Damascenes had had other results besides the donation of the three provinces to Herod. At a later date we find that Damascus, Sidon and Tyre possessed vast territories, those of Damascus and Sidon being contiguous,<sup>10</sup> and that of Tyre reaching the upper Jordan,<sup>11</sup> and it is a plausible inference that it was in 24 B.C. that they received these accessions of territory at the expense of the Ituraean principality.

A few years later a similar drastic step was taken in the northern half of the principality. Agrippa, during his eastern command, planted a colony of veterans at Berytus, and assigned to it an enormous territory stretching, according to Strabo (xvi, ii, 19, p. 756), as far as the source of the Orontes in the northern Massyas. It is difficult, however, to believe that this is correct, and it seems more likely that the combined territories of Berytus and Heliopolis, which Strabo does not mention in this connection, together covered this immense area. Heliopolis bears the same style, Colonia Iulia Augusta Feix,<sup>12</sup> as Berytus, and was therefore probably colonized at the same time.

<sup>1</sup> The conquest followed on the capture of Samaria and Scythopolis; thus the conquered territory lay north of them.

<sup>2</sup> Strabo, xvi, ii, 18; for Arca, see below, p. 267.

<sup>3</sup> Jos., *Ant.*, xiii, xv, 2; *Bell.*, i, iv, 8.

<sup>4</sup> For Abila, see below, p. 267; for Chalybon, *IGRR*, iii, 1089, 1090; for Iabruda, Clermont-Ganneau, *Rec. d'arch. orientale*, vii, 54-76.

<sup>5</sup> Jos., *Ant.*, xv, x, 1; *Bell.*, i, xx, 4.

<sup>6</sup> Strabo, xvi, ii, 18, p. 755.

<sup>7</sup> Head, *Hist. Num.*, p. 791.

<sup>8</sup> Jos., *Ant.*, xv, x, 1; *Bell.*, i, xx, 4.

<sup>9</sup> Jos., *Ant.*, xv, x, 3; *Bell.*, i, xx, 4.

<sup>10</sup> Jos., *Ant.*, xviii, vi, 3, towards the end of the reign of Tiberius.

<sup>11</sup> Jos., *Bell.*, iii, iii, 1; ii, xviii, 1.

<sup>12</sup> Head, *Hist. Num.*, p. 785.

The Ituraean country being now securely garrisoned by two veteran colonies, whose combined territory cut it in two, it was safe to entrust the remainder to native dynasts. We meet in the succeeding period with three principalities. In the northern Lebanon was a tetrarchy known from its capital as Arca,<sup>1</sup> and associated with the name of a certain Noarus (or Varus),<sup>2</sup> perhaps its first tetrarch.<sup>3</sup> It was held from A.D. 38 to 49 by a certain Sohaemus.<sup>4</sup> In the southern Massyas was a kingdom of Chalcis, which is first heard of when it was granted in A.D. 41 to Herod, the brother of Agrippa.<sup>5</sup> Finally, east of Antilebanon was a third tetrarchy, known from its capital as Abila, and associated with the name of a certain Lysanias,<sup>6</sup> who is probably the tetrarch whom Luke (iii. 1) records as ruling Abila in A.D. 29.

The remnants of the Ituraean principality all eventually passed into the hands of Agrippa II, Chalcis for a few years only (till A.D. 53), Arca, Abila, and Paneas, Ulatha, Batanaea, Trachonitis and Auranitis till his death early in Trajan's reign. The subsequent fate of the three northern principalities is rather obscure. Arca, in the course of the first half of the second century, became a city, adopting the style of Caesarea in Lebanon; it began to issue coins, dated by the Seleucid era, in A.D. 148-9.<sup>7</sup> It probably took over the whole tetrarchy as its territory, for a boundary stone of the city<sup>8</sup> has been found at Ebrin, two or three miles inland from Botrys. Chalcis disappears from view altogether;<sup>9</sup> it issued no coins,<sup>10</sup> and does not figure in Hierocles or Georgius Cyprius or on any episcopal list. The territory may have been assigned to one or more of the neighbouring cities, or it may have been retained as an imperial estate; Georgius Cyprius mentions two in this region, Σάλτον Γοναι-ικόν (994) and the corrupt ΓΟΝΑΣΙΤCΙΣΑΑΤΩΝ (981). The tetrarchy of Abila appears in Georgius Cyprius divided into three—the κλίμα Ἰαβρούδων (990) in the north (1 abrûd), the κλίμα Μαγλού(λ)ων (993) in the middle (Ma'lûla), and the city of Abila (988) in the south. At what date Abila became a city we do not know, as it issued no coins.<sup>11</sup>

In the south Ulatha and Paneas probably formed the territory of Caesarea Pancaas, founded in 2 B.C. by Philip.<sup>12</sup> Of the remaining

<sup>1</sup> Pliny, *NH*, v, 16; Jos., *Bell.* vii, v, 1.

<sup>2</sup> This Noarus (or Varus) is certainly not, as is often assumed, identical with Agrippa II's minister of the same name, though he may have been his grandfather. Agrippa's minister was only of royal blood, and had not been a tetrarch himself.

<sup>3</sup> Jos., *Bell.*, ii, xii, 8.

<sup>4</sup> Dio Cass., lix, 12; Tac., *Ann.*, xii, 23; Jos., *Vita*, 11.

<sup>5</sup> Jos., *Ant.*, xix, v, 1; *Bell.*, ii, xi, 5.

<sup>6</sup> Jos., *Ant.*, xix, v, 1; xx, vii, 1; *Bell.*, ii, xi, 5; xii, 8.

<sup>7</sup> Head, *Hist. Num.*,<sup>2</sup>, pp. 791, 792.

<sup>8</sup> *CIL*, iii, 183.

<sup>9</sup> Unless Aristobulus, king of Chalcidene (Jos., *Bell.*, vii, vii, 1) was king of the southern and not,

as seems more probable, of the northern Chalcis in A.D. 72.

<sup>10</sup> The coins inscribed ΦΛ ΧΑΛΚΙΔΕΩΝ and dated by an era commencing in A.D. 92 are attributed on technical grounds to Chalcis ad Belum (Head, *Hist. Num.*,<sup>2</sup>, p. 778).

<sup>11</sup> I cannot accept the identification of Abila with the Leucas on the Chrysoroas of the coins (Head, *Hist. Num.*,<sup>2</sup>, p. 785). The rival identification with Balaneae seems to me almost certain (cf. Clermont-Ganneau, *Rec. d'ar.b. orientale*, vi, 310-14, and add to the evidence there collected the fact that one of the eras of Leucas (38 B.C.) is paralleled at Rhosus near Balaneae (Head, *Hist. Num.*,<sup>2</sup>, p. 782).

<sup>12</sup> Jos., *Ant.*, xviii, ii, 1, *Bell.*, ii, ix, 1; for coins, Head, *Hist. Num.*,<sup>2</sup>, pp. 785-786.

territory Batanaea and southern Auranitis were shortly attached to the newly conquered province of Arabia, while Trachonitis and northern Auranitis were annexed to Syria. These regions, too, were eventually transferred to Arabia, northern Auranitis under Caracalla, Trachonitis under Diocletian.<sup>1</sup>

Our information on this region is very much fuller, owing to the abundant epigraphic evidence. There were some cities (see below, p. 273), but they were few and insignificant, and the country was, and remained to the end of Roman rule (cf. the numerous villages in Georgius Cyprius' list of Arabia), predominantly a country of villages. Whether the villages were grouped in larger circumscriptions it is rather hard to say. In the regal period Josephus in one passage (*Ant.* xvii, ii, 1) alludes to Batanaea as a toparchy, and it is possible that Trachonitis and Auranitis were also administrative and not merely geographical terms. The royal officers, called prefects (ἐπαρχοί), mentioned in two inscriptions of Agrippa's reign<sup>2</sup> may perhaps have been governors of these districts. In Roman times, however, these divisions were ignored, notably in the partition of Auranitis, and during the second century Trachonitis and northern Auranitis seem to have been treated as a single administrative area, being placed by the governor of Syria in the charge of a centurion of one of his legions. This, at any rate, seems to me the most likely interpretation of seven inscriptions of this region,<sup>3</sup> in which monuments are dated ἐπὶ the governor of Syria, ἐφεστῶτος a centurion of a Syrian legion. As the same centurion figures in places both in Trachonitis and northern Auranitis, e.g. Aurelius Quirinalis Gemellus at Phaena (Mismiye), Aerita (Ahire) and Nila (Mushennet), and Petusius Eudemus at Shohba and Kefr,<sup>4</sup> it is clear that his authority covered the whole region.

Certain villages, Phaena,<sup>5</sup> Zorava (Ezra),<sup>6</sup> Borechath Sabaon (Breike)<sup>7</sup> and Saura (Sûr)<sup>8</sup> have the title of *μητροκωμία*. If, as is generally assumed, this title signifies the headship of an administrative district, the districts must have been very small, for all four villages must have belonged to the toparchy of Trachonitis, being situated within or on the fringe of the Lejja. The inscriptions, however, give no hint of the dependance of any village upon another, and the title may have been merely honorary.

In Roman times the country was, as has been remarked above, a land of settled villages. But abundant survivals remain in the

<sup>1</sup> The evidence for the provincial boundaries is collected by Brünnow (*Prov. Arabia*, iii, pp. 266–70) who, however, failed to note the significance of an inscription at Sijn in the NE. Nukra (*Rev. bibl.* 1905, p. 95, no. 10), dated by the Arabian era in A.D. 179, which proves that eastern Batanaea was from the first attached to Arabia.

<sup>2</sup> Wadd., 2112, 2135.

<sup>3</sup> Wadd., 2071, 2212 (in this case the name of the

centurion is simply coupled with that of the governor), 2213, 2438, 2525, 2528; Ewing, *PEF*, 1895, p. 275, no. 149 (= *IGRR*, iii, 1290).

<sup>4</sup> He is also honoured at Phaena (Mismiya), cf. Wadd., 2531, 2532.

<sup>5</sup> Wadd., 2524.

<sup>6</sup> Wadd., 2480.

<sup>7</sup> Wadd., 2396.

<sup>8</sup> *Princeton Exp. Syr.*, iii, A, 799<sup>2</sup>.

inscriptions of the tribal semi-nomadic stage which, according to our literary sources, preceded it. Josephus and Strabo represent the population as a wild and unruly folk, living in caves and subsisting partly on their flocks and herds, but mainly on robbery of the rich Damascene territory adjoining and the caravans of merchants that passed their way.<sup>1</sup> Herod, on being entrusted with the pacification of the region, dealt with it in his usual ruthless fashion, slaughtering the robbers and storming their strongholds, and by his vigorous suppression of banditry compelled the people, much against their natural inclinations, to practice agriculture.<sup>2</sup> Moreover, to guarantee the security of the country, he colonized it with large bodies of law-abiding and industrious, but martial, Jews, 3,000 Idumaeans in Trachonitis,<sup>3</sup> and Babylonian Jews in Batanaea.<sup>4</sup> Of the former there is no trace in later times; the latter, to whom Herod granted substantial autonomy and freedom from taxes, have left evidence of their presence in the numerous Jewish carvings at Neve (Nawa).<sup>5</sup> Agrippa (probably II) still found it necessary to take steps against 'the beastly habits' of his subjects, who 'lurked in dens' (cf. his fragmentary edict at Canatha (Kanawât)),<sup>6</sup> but Herod had done his work well, and by the time that the country passed under Roman rule the people were settled in villages and the tribal organisation was breaking down. Men, however, still often named themselves by their tribe as well as their village,<sup>7</sup> or even by their tribe alone.<sup>8</sup> Some of the tribes retained a corporate organisation. We find one honouring its patron,<sup>9</sup> another possessing an advocate.<sup>10</sup> They sometimes make public dedications, or erect public buildings.<sup>11</sup> At Soada-Dionysias (Suwêdā) they found a place in the city constitution, each contributing a quota to the city council, and performing tasks delegated to them by the city,<sup>12</sup> in fact, playing the part of the artificial tribes of a normal Greek city. But in general the adoption of a settled life must have broken up the tribes; we find, for instance, tribes which have split into two villages.<sup>13</sup> Nomadic life survived only on the eastern fringe of Auranitis; at Malikiye are the graves of two sheikhs,<sup>14</sup> and at Tharba<sup>15</sup> the Bedouin (οἱ ἀπὸ ἔθνους νομάδων) made dedication.

In general the people settled down to an agricultural life; some

<sup>1</sup> Jos., *Ant.*, xv, x, 1; xvi, ix, 1; Strabo, xvi, ii, 20, p. 756.

<sup>2</sup> Jos., *Ant.*, xvi, ix, 1.

<sup>3</sup> Jos., *Ant.*, xvi, ix, 2.

<sup>4</sup> Jos., *Ant.*, xvii, ii, 1-3.

<sup>5</sup> Schumacher, *East of Jordan*, pp. 172-174.

<sup>6</sup> Wadd., 2329.

<sup>7</sup> e.g. Wadd., 2265, 2393, 2396, 2431.

<sup>8</sup> e.g. Wadd., 2210, 2439, 2483; *Princeton Exp. Syria*, iii, A, 694, 760.

<sup>9</sup> Wadd., 2287.

<sup>10</sup> Wadd., 2220.

<sup>11</sup> Wadd., 2427, 2537d; Dussaud, *Mission*, p. 645, no. 11 (= *IGRR*, iii, 1171); *Princeton Exp. Syria*, iii, A, 786<sup>3</sup>.

<sup>12</sup> Wadd., 2308, 2309, 2310.

<sup>13</sup> e.g. Wadd., 2393 and 2396.

<sup>14</sup> Both were young men (32 and 27) when they died, whence we may infer that, as we should expect, the office was hereditary and life-long (Wadd., 2196, ἐθνάρχης στρατηγὸς νομάδων; Dussaud, *Voyage*, p. 147, no. 7, στρατηγὸς παρεμβολῶν νομάδων).

<sup>15</sup> Wadd., 2203.

of them mention with pride on their epitaphs their success as farmers.<sup>1</sup> The martial spirit which had previously vented itself in banditry now found a more useful outlet in military service, either in the auxiliary units of the Ituraeans and Canathenes or in the Syrian legions. Veterans and their descendants held a high position in local society and were proud to put οὐετρανός or οὐετρανικός after their names. They appear at the head of village subscription-lists<sup>2</sup> and fill the village magistracies<sup>3</sup>; one figures as the 'benefactor and founder' of a village,<sup>4</sup> another as the patron of a tribe<sup>5</sup>; they erect public buildings at their own expense.<sup>6</sup>

The villages enjoyed a very considerable degree of self-government, hardly distinguishable from that possessed by cities. Even in the terminology of their inscriptions they emulate the cities. Villages styled themselves not merely ἡ κώμη,<sup>7</sup> τὸ κοινόν,<sup>8</sup> or τὸ κοινὸν τῆς κώμης,<sup>9</sup> but also ὁ δῆμος,<sup>10</sup> and freely employed ethnics.<sup>11</sup> They possessed an assembly, apparently called ὄχλος,<sup>12</sup> which passed by-laws.<sup>13</sup> They possessed a common fund (τὰ τῆς κώμης, τὰ τοῦ κοινοῦ)<sup>14</sup> and common land,<sup>15</sup> and public buildings, both sacred and secular. Among the latter appear fortification-walls<sup>16</sup> and watch towers,<sup>17</sup> theatres,<sup>18</sup> basilicas,<sup>19</sup> baths,<sup>20</sup> reservoirs,<sup>21</sup> fountains,<sup>22</sup> and, commonest of all, rest-houses or inns.<sup>23</sup> Besides these there are other buildings mentioned,<sup>24</sup> whose function is uncertain, but which may have served as public offices.

The question of the titles of the village magistrates is a somewhat difficult one, as it is hard to distinguish changes in time from local variations, and even harder, since the inscriptions are all records of the erection or repair of public buildings, to distinguish permanent officials from temporary officials appointed *ad hoc*. A clue to the latter difficulty lies, it seems to me, in the use of the preposition ἐπί, which in normal usage implies the existence of a regular magistracy; phrases like προνοία, σπουδῇ or διὰ leave it an open question whether the officials mentioned are regular or special. On this basis we may assert that during the second and early third centuries the village

<sup>1</sup> e.g. Wadd., 2412 l, ἐξ ιδίων τόπων γεωργικῶν. Dussaud, *Voyage*, p. 203, no. 88, ἐσθλῆς ἐκ γεωργίας.

<sup>2</sup> Wadd., 2399.

<sup>3</sup> Wadd., 1969, 1984 b, 1989, 2041, 2546; Dussaud, *Mission*, p. 663, no. 64.

<sup>4</sup> Wadd., 2413 f.

<sup>5</sup> Wadd., 2287.

<sup>6</sup> Wadd., 2438; *IGRR* iii, 1282, etc.

<sup>7</sup> Wadd., 2237, etc.

<sup>8</sup> Wadd., 2213, etc.

<sup>9</sup> Wadd., 2546, etc.

<sup>10</sup> Wadd., 2113, 2188, 2366.

<sup>11</sup> e.g. Φαωνήσιοι, Wadd., 2525, etc.; Αἰρήσιοι, Wadd., 2413 f.

<sup>12</sup> *IGRR*, iii, 1192, ὄχλου γενομένου κώμης ἐν τῷ θεάτρῳ.

<sup>13</sup> Wadd., 2505, ἔδοξε τοῖς ἀπὸ . . . κώμης ἐκ κοινῆς αὐτῶν εὐδοκίσεως.

<sup>14</sup> Wadd., 2127, etc., *Princeton Exp. Syria*, iii, A, 787<sup>7</sup>, etc.

<sup>15</sup> Wadd., 2505, ἐπὶ κοινῷ τόπον.

<sup>16</sup> Wadd., 2173; Dussaud, *Voyage*, p. 148, no. 12.

<sup>17</sup> Wadd., 2129.

<sup>18</sup> *IGRR*, iii, 1192, *Princeton Exp. Syria*, iii, A, 180.

<sup>19</sup> Wadd., 2044.

<sup>20</sup> Wadd., 2480.

<sup>21</sup> Wadd., 1963.

<sup>22</sup> Wadd., 2239.

<sup>23</sup> Wadd., 2462, τὸ κοινὸν πανδοχείον; 2524, ξενών, etc.

<sup>24</sup> e.g. ὁ κοινὸς οἶκος, Wadd., 2070 a; ὁ δημόσιος οἶκος, Wadd., 2029.

magistrates bore the title of στρατηγός; usually we find a single στρατηγός,<sup>1</sup> though in one case we find three στρατηγοί acting jointly.<sup>2</sup> The office is both in name and character reminiscent of, and perhaps a survival of, the nomadic stage. There is no evidence to show whether it was hereditary or elective, but the fact that a man boasted of his descent from a στρατηγός in A.D. 334, when the office was, as far as we know, long obsolete,<sup>3</sup> implies that it was aristocratic.

From the middle of the third century the character of the magistracies changes: they are henceforth invariably collegiate, and probably elective and annual. Our evidence for the two last points<sup>4</sup> applies, it is true, only to the διοικηταί, but there is no reason to think that these differed essentially from the other boards of magistrates, the προνοηταί and the πιστοί. It is indeed impossible on our evidence to detect any distinction between them except in title. προνοηταί are the first to appear; the earliest instance I can trace is in A.D. 282.<sup>5</sup> Πιστοί appear in A.D. 316<sup>6</sup>, and διοικηταί in A.D. 326.<sup>7</sup> Προνοηταί are also the first to disappear; the latest instance I have found is in A.D. 371.<sup>8</sup> Διοικηταί last till A.D. 397 at any rate,<sup>9</sup> and πιστοί certainly as late as A.D. 445.<sup>10</sup> Two πεστυς (sic) appear on an inscription recorded by the Princeton Expedition (iii, A, 59) which the editors date at A.D. 569. I am not at all convinced, however, that this is the correct interpretation of the very illiterately written date (ἔτους δεσσιακοσταῦ ξδ'), which might, it seems to me, be read 246 or 364, i.e. A.D. 369 or 469. From some of the evidence it might be inferred that the change was one of phraseology only; at 'Awwas, for instance, προνοηταί appear in A.D. 310, 324, 330, 371,<sup>11</sup> and πιστοί in 354 and 394.<sup>12</sup> At Muarriba in A.D. 336, however, the two titles appear concurrently<sup>13</sup>; so perhaps the προνοηταί were an earlier magistracy, and πιστοί were introduced later, and after co-existing with the προνοηταί for a time gradually ousted them. The change seems to have taken place about the middle of the fourth century. Another magistrate also appears at about the same date, the σύνδικος or ἑκδικος; the earliest instance<sup>14</sup> I can trace is in A.D.

<sup>1</sup> Wadd., 2071 in A.D. 177, 2114 in A.D. 232, both ἐπὶ . . . στρατηγοῦ, 2399, in A.D. 236, στρατηγείας . . .

<sup>2</sup> Wadd., 2520, between A.D. 161 and 169.

<sup>3</sup> Ewing, *PEF*, 1895, p. 348, no. 169.

<sup>4</sup> Wadd., 2188, τοὺτους κώμης ἐπελέξατο δῆμος; Wadd., 2462, 2463, lists of the magistrates of a village in two successive years, containing no common name.

<sup>5</sup> Wadd., 2545, 2546.

<sup>6</sup> *Princeton Exp. Syria*, iii, A, 788.

<sup>7</sup> Ewing, *PEF*, 1895, p. 135, no. 60.

<sup>8</sup> *Princeton Exp. Syria*, iii, A, 696.

<sup>9</sup> Wadd., 2462, 2463.

<sup>10</sup> *Princeton Exp. Syria*, iii, A, 174.

<sup>11</sup> Wadd., 2042, 2043, 2044; *Princeton Exp. Syria*, iii, A, 696.

<sup>12</sup> Wadd., 2045, 2046.

<sup>13</sup> Wadd., 2070 a.

<sup>14</sup> The title does occur in A.D. 155 (Wadd., 2286, ὁ ναὺς ἐκ τῶν ἱερατικῶν . . . προνοησάμενων (three) ἐκδικῶν (three) ἱεροταμιῶν) but, owing to the difference in function and number, as well as the wide divergence in date, I am inclined to think that these ἑκδικοὶ have only their name in common with the single ἑκδικος of the fourth century.

322.<sup>1</sup> He always appears, where he does appear in the exercise of his official functions, at the head of the list of διοικηταί or πιστοί, though whether as one of them or not it is impossible to tell.<sup>2</sup> The significance of these changes is not clear, but it seems likely from their date that they had some connection with the Constantinian reforms.

Many of the temples had a special administration; they possessed funds of their own,<sup>3</sup> and special magistrates.<sup>4</sup> It does not, however, seem probable that they were independent of the villages; in one case, at any rate, we find dated by the village στρατηγός a sacred building erected by temple officials from temple funds,<sup>5</sup> and in another we find a village erecting a temple by the agency of the temple officials.<sup>6</sup> The villages, of course, often built and repaired temples through their own officials,<sup>7</sup> out of their own funds.<sup>8</sup> In one case we find the village community co-operating with the worshippers of the god<sup>9</sup> in the erection of a temple. In another the village combined with the god<sup>10</sup> in building a sacred *calybe*: it was built, however, it should be noted, by the agency of the village magistrates (προνοηταί), and in another inscription<sup>11</sup> the village actually claims the whole credit; so the part of the god may have been limited to a subscription, on the strength of which his agents<sup>12</sup> insisted on a second inscription, in which he should be recorded among the founders, though they were allowed no share in the disposal of the money. Finally an interesting situation is found at Deir-el-Leban. Here the temple seems to have been under the joint control of the neighbouring villages, Reimea (Rimet-el-Lohf), Merdocha (Murduk), Borechath Sabaon (Breike) and Idnos (?). The administration of the sanctuary was in the hands of two persons, sometimes styled *ιεροταμίαι*,<sup>13</sup> sometimes *πιστοί*<sup>14</sup> from these villages; two priests also had some share.<sup>15</sup>

A certain number of persons are styled βουλευτής on the inscriptions, and the existence of a village βουλή has been thence inferred.<sup>16</sup> I can, however, find no evidence of such an institution, and the title seems to me, on a careful examination of the inscriptions, to be used

<sup>1</sup> Wadd., 2238.

<sup>2</sup> Wadd., 2239 (Παυλείνου συνδίκου καὶ [Α]ν-κ[ιλίαν]θου πιστῶν) would be a test case in favour of the former view if certain. Should one not restore, however καὶ . . . ου κ[αὶ . . .] ου πιστῶν in view of Wadd., 2238, 2240, Dussaud, *L'oyage*, p. 154, no. 19 (all from the same village) which all give one σύνδικος and two πιστοί?

<sup>3</sup> τὰ τοῦ θεοῦ, Wadd., 2544, etc.; τὰ ἱερατικά, Wadd., 2286, etc.

<sup>4</sup> *ιεροταμίαι*, Wadd., 2455, etc.; *ἐπίσκοποι*, Wadd., 1990; *οἰκονόμοι*, *Princeton Exp. Syria*, iii, A, 803<sup>1</sup>, 803<sup>2</sup>, 803<sup>1</sup>.

<sup>5</sup> Wadd., 2114.

<sup>6</sup> Wadd., 2455.

<sup>7</sup> Wadd., 2034, 2046, etc.

<sup>8</sup> Wadd., 2127.

<sup>9</sup> Ewing, *PEF*, 1895, p. 136, no. 61 (= *IGRR*, iii, 1143), Σαίρων τὸ κοινόν . . . μετὰ τῶν ἡρησκευσάντων.

<sup>10</sup> Wadd., 2546, τὸ κοινὸν τῆς κώμης καὶ τοῦ θεοῦ.

<sup>11</sup> Wadd., 2545.

<sup>12</sup> *ιεροταμίαι*, Wadd., 2544.

<sup>13</sup> Wadd., 2396 and 2397 misspelt *ιεροτομεύς* and *ῥοτομέης*.

<sup>14</sup> Wadd., 2394, 2395, of the temple or of their own villages?

<sup>15</sup> Wadd., 2393.

<sup>16</sup> e.g. by Rostovtzeff, *Social and Economic History of the Roman Empire*, p. 570.



only honorifically, in a manner exactly analogous to οὐετρανός. I conclude, therefore, that the persons thus styled were βουλευταί of cities.<sup>1</sup>

This brings us to the question of the cities of the region. One, Canatha, was of some antiquity, having been enrolled by Pompey in the Decapolis.<sup>2</sup> Another, Soada, later Dionysias,<sup>3</sup> is known from inscriptions to have existed as early as the beginning of the second century, but when it was founded is, owing to the absence of any city era, unknown. These two were the only cities of the region till 247-9, when Philip founded Philippopolis.<sup>4</sup> The sites of these three cities are identified, Kanawât, Suwêda, and Shohba respectively. We know also of three other sites, whose inscriptions are dated by city eras, Shakka,<sup>5</sup> Burak in the northern Lejja<sup>6</sup> and Sheikh Miskin,<sup>7</sup> and from literary sources we know of a number of cities, Maximianopolis,<sup>8</sup> presumably founded between A.D. 286 and 305, Constantia, or Constantine,<sup>9</sup> presumably founded early in the fourth century, Neapolis,<sup>10</sup> already in existence in 381. Two other cities are less well attested. Chrysopolis is known only from the Council of Chalcedon, and Hierapolis only from Hierocles.<sup>11</sup> It is impossible to connect any of the above names with any of three sites mentioned except conjecturally. Constantia is located by Waddington at Burak, because all the persons mentioned on the inscriptions of the site bear the name Flavius. Maximianopolis is placed by the same authority at Sheikh Miskin; the only known inhabitant, who put up an inscription in the fourth year of the city, was the son of one Julius Philippus, which tallies well enough with the chronological data. Shakka would then be Neapolis, the best attested and oldest of the remaining names; for Shakka was, to judge by its remains, a place of some importance—it even had colonial rank.<sup>12</sup> The city era cannot unfortunately be fixed from the inscriptions, whose data are very contradictory. An apparently Christian epitaph<sup>13</sup> is dated in the years 71 and 98, two churches<sup>14</sup> in 263, indiction 15,<sup>15</sup> and 310, indiction 14, and two stables<sup>16</sup> in 300 and 568, indiction 3.

<sup>1</sup> I have collected the following instances of βουλευταί or βουλευτικοί in villages, viz., Wadd., 1989, 2034, 2053 c, 2204, 2412 c, 2514, 2537 c, 2546. *Princeton Exp. Syria*, iii, A, 624, 787; Dussaud, *Mission*, p. 663, no. 63. *IGRR*, iii, 1167. Also of Bostra, Wadd., 1984 a, 2302, of Philippopolis, Wadd., 2019, 2506, of Adraa, Brünnow, *Prov. Arabia*, iii, p. 202, 9 and 10, of Canatha, Wadd., 2216 and *IGRR*, i, 25.

<sup>2</sup> Pliny, *NH*, v, 16; Pompeian era on coins, cf. Head, *Hist. Num.*, 2, p. 786.

<sup>3</sup> Dussaud, *Mission*, p. 649, no. 23. (= *IGRR*, iii, 1278).

<sup>4</sup> Aur. Victor, 28; Wadd., 2072.

<sup>5</sup> Wadd., 2145, 2158, 2159, 2161; Dussaud, *Voyage*, p. 145, no. 4.

<sup>6</sup> Wadd., 2537 a and b.

<sup>7</sup> Wadd., 2413.

<sup>8</sup> Council of Chalcedon, Mansi, *Concilia*, vii, 168. One of its bishops is buried at Canatha (Wadd., 2361).

<sup>9</sup> Councils of Constantinople and Chalcedon, Mansi, *Concilia*, iii, 369 and vii, 168. Hierocles, 723, 2; Georg. Cypr., 1071.

<sup>10</sup> Councils of Constantinople and Chalcedon, Mansi, *Concilia*, iii, 369 and vii, 168; Hierocles, 722, 10; Georg. Cypr., 1067.

<sup>11</sup> 722, 11; the text of Georgius Cyprius is doubtful.

<sup>12</sup> *IGRR*, iii, 1189.

<sup>13</sup> Wadd., 2145.

<sup>14</sup> Wadd., 2158, 2159.

<sup>15</sup> Either the indiction must be emended from IE to IB, or the year from CΞΓ to CΞE.

<sup>16</sup> Dussaud, *Voyage*, p. 145, no. 4, Wadd., 2161.

I am inclined to regard the last as a false reading,<sup>1</sup> and to put the foundation of the city in the middle of the third century, so that the Christian epitaph would fall in the early fourth century, and the churches in the sixth century, the period of greatest church-building activity in the region. On the strength of an inscription in honour of Aurelian,<sup>2</sup> the actual date of the foundation of the city might be fixed at A.D. 272, the only date within his reign which squares with the evidence of the indictions.

Phaena is listed as a city by Hierocles (731, 1) and Georgius (1070), and Neve by Georgius (1064). When they attained city rank is not known.

In one point all these cities have a striking resemblance—in the exiguity of their territories. Three pairs of cities, Shohba (Philippopolis) and Shakka (Neapolis?), Burak (Constantia?) and Mismiye (Phaena), Kanawât (Canatha) and Suwêda (Dionysias), are only about five miles apart. Furthermore, only four miles north of Shakka, Btheine in Ard-el-Bathaniye probably represents an imperial estate, Σάλτον Βατανέως<sup>3</sup>; five miles south of Suwêda, Ahire was an independent village;<sup>4</sup> finally, between Kanawât and Suwêda, only two miles from each, Atil was an independent village.<sup>5</sup> The list of Arabia in Georgius Cyprius (1060–1092) confirms the conclusion that the city territories accounted for a very small proportion of the area of the region; it contains no less than sixteen villages or village groups—all unfortunately unidentified—a good proportion of which must have lain in our area, since the southern part of the province is largely accounted for by the territories of great cities like Bostra, Gerasa and Philadelphia.

In one instance only am I inclined to suspect a large assignation of territory to a city, in that of Bostra. The direct evidence is slight. At Musefire, a small village about 12 miles N.W. of Bostra, is an inscription in regular city form.<sup>6</sup> At Imtân, a village about 20 miles E.S.E. of Bostra, an inscription ends ἐπ' ἀγαθῶ πρόλ[εως].<sup>7</sup> As neither of these places were cities, the former being quite insignificant, and the latter being governed by πιστοί in the very inscription in question, they must have depended on a city, presumably Bostra. *A priori* the probabilities are strong. We know that Bostra, which was to be the capital of the new province of Arabia, the seat of its governor and garrison, was virtually refounded by Trajan (cf. the inscription NEA TPAIANA BOCTPA on the coins<sup>8</sup>). The land south of the

<sup>1</sup> Perhaps ΣΤΟΥΡΕΣΗ is a possible emendation for ΣΤΟΥΦΕΗ, Waddington's reading. A change of 300 years is necessary to keep the indiction number unaltered.

<sup>2</sup> Wadd., 2137.

<sup>3</sup> Georg. Cyp., 1076.

<sup>4</sup> This is proved by its falling under the authority of the centurion who supervised Trachonitis and

northern Auranitis in the second century; see above, p. 268; cities were exempt from his rule, see below, p. 275.

<sup>5</sup> cf. the boundary stone between Dionysias and the Atheleni, Dussaud, *Mission*, p. 649, no. 23 (= *IGRR*, iii, 1278).

<sup>6</sup> Wadd., 2070 c, [ἡ πρό]λις . . . διὰ ἐπιμελητῶν . . .

<sup>7</sup> Wadd., 2034.

<sup>8</sup> Head, *Hist. Num.*, p. 812.

town is, and probably was then, largely desert ; so that if Trajan was to endow his new capital adequately, he would have to give it the territory to the east and north which had hitherto belonged to Agrippa's kingdom. It seems not improbable that the adoption of the Bostrene era by the villages of southern Auranitis and eastern Batanaea signifies not merely their transference to the province of Arabia, but their assignation to the territory of Bostra.

With this one exception the policy of the Roman government in Batanaea, Trachonitis and Auranitis was completely different from its policy in Galilee, Samaria and Judaea. Urbanization here did not mean the assignation of large tracts of land with their villages to the new cities ; it meant simply the ennoblement of certain more important villages. The new cities gained no territory. The change seems, indeed, to have been little more than titular. They gained a slightly greater degree of independence ; they could, for instance, coin (though apparently only Canatha and Philippopolis did so), and they were in the second century exempt from the authority of the centurion who supervised the affairs of the villages.<sup>1</sup> The names of the magistracies were changed ; the title of *πρόεδρος* seems to have been reserved for cities.<sup>2</sup> Finally a council was enrolled.<sup>3</sup> It is noteworthy that councillors often resided in villages outside the territory of their city<sup>4</sup> ; one councillor of Philippopolis erected a monument at Shakra in the Lejja,<sup>5</sup> another was buried at Orman in the southern Hauran,<sup>6</sup> one councillor of Canatha erected a building at Mushennef in the northern Hauran,<sup>7</sup> another was a native of Atil<sup>8</sup> ; others, who do not state their city, are found in various places in the southern Lejja, Habêb,<sup>9</sup> Khulkhula,<sup>10</sup> Umm-ez-Zeitûn<sup>11</sup> and Mjedil<sup>12</sup> ; another at Kuseib in the north of the Hauran,<sup>13</sup> which might, however, be in the territory of Shakka (Neapolis ?).

This phenomenon may be partly due to the richer inhabitants of the cities acquiring land in outside villages, but the case of Thaemus Julianus, the native of Atil (*Ἀθηλιανός*, *de vico Athelani*), who was a citizen and councillor of Canatha,<sup>14</sup> suggests that the cities granted their citizenship to prominent men of the villages, who were no doubt willing enough to pay for the honour by gifts and liturgies.

<sup>1</sup> On the inscriptions of Canatha and Dionysias, Wadd., 2331, 2305, 2308, 2309, the governor alone is cited.

<sup>2</sup> Wadd., 2341 for Canatha, 2072 for Philippopolis, *Rev. bibl.*, 1905, p. 95, no. 8 for Dionysias.

<sup>3</sup> Wadd., 2306, 2307, for *βουλὴ* in Dionysias and Canatha ; for *βουλευταί* of Canatha and Philippopolis see note 1, p. 273.

<sup>4</sup> Many *βουλευταί* occur in the territory I have attributed to Bostra, at Salkhad, Imtân, Umm-el-Kuttein, Kerak, Hoyet-Hibikke, and Taiyibe (Wadd., 1989, 2034, 2053 c, 2412 c, Dussaud, *Rapport*, p. 663, no. 63, *Princeton Exp. Syria*, iii,

A, 624). These naturally do not state their city, one at Ayûn (Wadd., 1984 a) does however.

<sup>5</sup> Wadd., 2506.

<sup>6</sup> Wadd., 2019.

<sup>7</sup> Wadd., 2216.

<sup>8</sup> *IGRR*, i, 25.

<sup>9</sup> Wadd., 2514.

<sup>10</sup> Wadd., 2537 c.

<sup>11</sup> Wadd., 2546.

<sup>12</sup> *Princeton Exp. Syria*, iii, A, 787<sup>2</sup>.

<sup>13</sup> Wadd., 2204.

<sup>14</sup> *IGRR*, i, 25.



The key to 2000 m. refers to the Lebanon and Anti-Lebanon Mountains only.

See p. 265.



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## THE URBANIZATION OF PALESTINE

By A. H. M. JONES

(Plate vii).

The object of this paper is to trace the administrative development in Roman times of the Judaeo-Samaritan territory proper, that is of Galilee, Peraea, Samaria and Judaea as delimited by Josephus,<sup>1</sup> excluding the tetrarchy of Philip and the cities of the Decapolis and of the coast. My reasons for choosing this region are that it affords a highly interesting, because singularly well-documented, example of that development from a centralised bureaucratic administration to a régime of autonomous city-states, which was generally promoted by the Roman government, and that it incidentally throws some light on that subject of perennial interest,—the attitude of the Roman authorities to the Jews.

During the first century of our era, each of the four regions enumerated above formed an administrative unit. Each had its capital and was subdivided into smaller units, termed toparchies. The evidence is fullest for Judaea. Here Jerusalem was the capital, and there were eleven toparchies. The list according to Josephus<sup>2</sup> is Jerusalem, Gophna, Acrabatta, Thamna, Lydda, Emmaus, Pella, Idumaea, Engaddi, Herodium and Jericho. A similar list is given by Pliny<sup>3</sup> who, however, omits Idumaea and Engaddi and calls Pella Bethleptapha.<sup>4</sup> This list is perhaps derived from an earlier source, drawn up before the two southernmost toparchies were organised, and before Bethleptapha—which Josephus mentions incidentally under its old name<sup>5</sup>—received its Hellenic title. The toparchic system and many of the individual toparchies date from Seleucid times at least. The author of *Maccabees I*, writing in the first years of the first century B.C., knew of a region called Acrabittene,<sup>6</sup> and in the same book Demetrius Soter is said to have ceded three nomes or toparchies<sup>7</sup> of Samaria to Judaea,<sup>8</sup> one of which, Lydda, is identical in name with one of Josephus' toparchies, while the other two, Aphaerima and Ramathein, are from their position (see map, pl. vii) evidently equivalent to the Josephan Gophna and Thamna.

For the other regions the evidence is less complete. The capital of Galilee was at times Sepphoris, at times Tiberias.<sup>9</sup> Tiberias and

<sup>1</sup> *Bell.*, III, iii.

<sup>2</sup> *Bell.*, III, iii, 5.

<sup>3</sup> *N.H.* V, xiv, 70.

<sup>4</sup> Pliny also incorrectly includes Joppa, which, though it may well have been a toparchy until after the Jewish war when it first issued coins as Flavia Ioppe (de Saulcy, p. 176-7), was not part of Judaea. Nor similarly was Jamnia, though it certainly was a

toparchy in the first century A.D. (*Jos.*, *Ant.*, XVIII ii, 2.).

<sup>5</sup> *Bell.*, IV, viii, 1.

<sup>6</sup> *Macc.* I, v, 3.

<sup>7</sup> The term 'nome' is used in the text of Demetrius' letter, the term 'toparchy' by the historian.

<sup>8</sup> *Macc.* I, x, 30, 38; xi, 28, 34.

<sup>9</sup> *Jos.*, *Vita*, 9.

Taricheae are recorded to have been capitals of toparchies.<sup>1</sup> The capital of Samaria was in Seleucid times perhaps Gerizim,<sup>2</sup> in Herod's reign and after, presumably, Sebaste. An organisation by toparchies is implied for the Seleucid period by Demetrius' donation to Jonathan (*v. supra*), and in later times a toparchy named Narbatene is incidentally mentioned by Josephus,<sup>3</sup> which must from its position—adjoining Caesarea—have belonged to Samaria. The capital of Peraea was Gadara;<sup>4</sup> Julias is recorded to have been the capital of a toparchy<sup>5</sup>, which apparently consisted of fourteen villages.<sup>6</sup> In the troubles that followed Herod's death the destruction of government offices (βασίλεια) is mentioned not only at Betharamphtha,<sup>7</sup> the village later renamed Julias,<sup>8</sup> but also at Amathus,<sup>9</sup> which may, therefore, also be conjectured to be a toparchic capital. The conclusion that Peraea was divided into the three toparchies above-mentioned is strikingly confirmed by the fact that Peraea was still in the sixth century A.D.<sup>10</sup> divided into the three ῥεγεῶνες of Gadara, Amathus and Livias (= Betharamphtha<sup>11</sup>).

In the pre-Herodian period there is no evidence for any city within the territory under discussion save one, Samaria.<sup>12</sup> It was peopled with Macedonian settlers in the fourth century B.C., according to Eusebius<sup>13</sup> and Syncellus (ed. Dindorf (Bonne), p. 496) by Alexander himself, according to another passage of Eusebius<sup>14</sup> by Perdiccas. After being destroyed by Hyrcanus,<sup>15</sup> it was restored by Pompey<sup>16</sup> and rebuilt by Gabinius,<sup>17</sup> after whom, according to Cedrenus (ed. Bekker (Bonne), I, p. 323) it renamed itself. It must, however, have been a very insignificant place before Herod's day, seeing that he had not only to rebuild it but virtually to repopulate it, endow it with a territory and give it a constitution (see below, p. 80).

The Herods were great builders, but their zeal for founding cities, at any rate within the Judaeo-Samaritan territory,<sup>18</sup> has been exag-

<sup>1</sup> Jos., *Bell.* II, xiii, 2.

<sup>2</sup> *Macc.*, II, v, 23.

<sup>3</sup> *Bell.*, III, xviii, 10.

<sup>4</sup> Jos., *Bell.*, IV, vii, 3. This Gadara was not, of course, the city of the Decapolis, but another town of the same name identified with Es Salt (see Pauly-Wissowa, art. 'Gadara').

<sup>5</sup> Jos., *Bell.*, II, xiii, 2.

<sup>6</sup> Compare the parallel passage *Ant.*, XX, viii, 4.

<sup>7</sup> Jos., *Bell.*, II, iv, 2.

<sup>8</sup> Jos., *Ant.*, XVIII, ii, 1.

<sup>9</sup> Jos., *Ant.*, XVII, x, 6.

<sup>10</sup> Georgius Cyprius, ed. Gelzer (Teubner), 1016, 1018, 1019.

<sup>11</sup> Eus., *Onomasticon*, ed. Larsow and Parthey, p. 112-3.

<sup>12</sup> Philoteria, on the west bank of the Sea of Galilee (Polyb., V, 70) does not reappear after its destruction by Alexander Jannaeus (Syncellus, i, 558).

<sup>13</sup> *Chron. Arm.*, ed. Schoene, II, 116.

<sup>14</sup> *Chron. Arm.*, ed. Schoene, II, 118.

<sup>15</sup> Jos., *Ant.*, XIII, x, 2, 3; *Bell.*, I, ii, 7.

<sup>16</sup> Jos., *Ant.*, XIV, iv, 4; *Bell.*, I, vii, 7.

<sup>17</sup> Jos., *Ant.*, XIV, v, 3; *Bell.*, I, viii, 4.

<sup>18</sup> I do not deal with such foundations as lie outside my territory. Even among these, however, the only undoubted new city is Caesarea Panias. The other Caesarea and Agrippias were, of course only re-foundations and so I hold was Gabae, for I see no reason to attribute the coins issued by a city of that name and dated by the Gabinian era (Head, *Hist. Num.*, p. 786) to another city of the same name in Philip's tetrarchy, otherwise unknown, merely because the Gabenes style themselves 'Claudieis Philippeis'; Philip may have conferred benefits on a city not in his tetrarchy. The city status of Bethsaida Julias (which issued no coins, and does not figure in lists of Hierocles or Georgius Cyprius) is very doubtful. Esbus is always alluded to as a district, Esbonitis, by Josephus, and it did not coin until under Elagabalus; the title *Aurelia* which it bears on these coins may imply that it owed its rank as a city to that Emperor.

gerated. In the Jordan valley, Archelais is definitely called a village<sup>1</sup> and Phasaelis and Julias Livias, though loosely termed πόλεις by Josephus,<sup>2</sup> were almost certainly also only villages; neither issued coins and the list of Georgius Cyprius<sup>3</sup> (1016–1019) shews that in the sixth century the Jordan valley was still organised as four ‘regions,’ that is, that Phasaelis was merely a village of the Jericho region, and Livias the capital town of its own region. Antipatris<sup>4</sup> certainly was a city later, since it issued coins under Elagabalus (Head, *Hist. Num.*, p. 802), and probably held city rank from its foundation. We do not know whence its population was drawn, but it was pro-Roman in the revolt, and probably non-Jewish, seeing that the men, unlike those of Lydda, did not go up to Jerusalem to celebrate the Feast of Tabernacles.<sup>5</sup> Sepphoris may also be allowed to rank as a city; for although Josephus’ description of its foundation is obscure<sup>6</sup> and it did not begin to issue coins till Trajan’s reign, its status is clearly implied to be co-ordinate with that of Tiberias, a genuine city.<sup>7</sup> The population, though pro-Roman in the war, was Jewish—the citizens are called kinsmen of the Galilaeans by Josephus.<sup>8</sup> The coins of Trajan’s reign, it may be noted, are aniconic save for the Emperor’s head.<sup>9</sup>

The other two foundations of the Herods, Sebaste and Tiberias, were undoubtedly cities from the first. Both issued coins dated according to the era of their foundation<sup>10</sup> and both had regular Greek constitutions; of Sebaste’s we know no more than that Herod gave it ἐξάιρετον εὐνομίαν; of Tiberias we have some details—that there was a council of six hundred,<sup>11</sup> a board of *decaproti*<sup>12</sup> and an *archon*.<sup>13</sup> Josephus’ accounts of the foundations<sup>14</sup> are very full and of high interest as the most detailed records we possess of the technique of city foundation. In both cases the population was collected partly by a συνοικισμός of the neighbourhood, partly by importing alien elements, Herod’s foreign mercenary troops at Sebaste, a mixed riff-raff including even slaves freed for the purpose at Tiberias. In both cases a fertile territory was attached to the city and distributed in lots to the citizens. Not only were walls and public buildings provided by the founders, but also private houses for the citizens.

Sebaste, as its temple of Caesar and the cults recorded on its coins testify, was from the first a predominantly pagan town; the Sebastene cohorts drawn from its population were markedly anti-Semitic in temper. Tiberias, on the other hand, was, to judge by Josephus’

<sup>1</sup> Jos., *Ant.*, XVII, xiii, 1.

<sup>2</sup> *Ant.*, XVI, v, 2 and XVIII, ii, 1.

<sup>3</sup> See note 18 on page 79.

<sup>4</sup> Jos., *Ant.*, XVI, v, 2.

<sup>5</sup> Jos., *Bell.*, II, xix, 1.

<sup>6</sup> *Ant.* XVIII, ii, 1.

<sup>7</sup> Jos., *Vita*, 9.

<sup>8</sup> *Vita*, 67.

<sup>9</sup> De Saulcy, p. 325–326, Head, *Hist. Num.*, p. 802.

<sup>10</sup> De Saulcy, pp. 275–281 and 333–338, Head, *Hist. Num.*, pp. 803, 802.

<sup>11</sup> Jos., *Bell.*, II, xxi, 9.

<sup>12</sup> Jos., *Vita*, 13, 57.

<sup>13</sup> Jos., *Vita*, 27, 53, 54, 57.

<sup>14</sup> Sebaste, *Ant.*, XV, viii, 5; *Bell.* I, xxi, 2; Tiberias, *Ant.*, XVIII, ii, 3.



analysis of the population,<sup>1</sup> overwhelmingly Jewish. Those in authority were all Jews, and there were only a few 'Greeks' for the Jewish majority to massacre, and no building in the town more offensive to Jewish sentiment than Herod's palace, which was decorated with statues.<sup>2</sup> The coinage of the early period forms an interesting study. The types—an anchor, a palm-tree between two cornucopiae, Hygieia (an allusion to the medicinal springs), a symbolical figure holding a rudder and a cornucopia—are not strictly in accord with the Mosaic law. But we now know that the Jews of the first few centuries A.D., though they might make political capital out of the presence of the Roman eagles on Jewish soil,<sup>3</sup> were not averse to pictorial representations not only of human beings but of semi-pagan personifications even in their synagogues (cf. the mosaics of Jerash and especially Bait Alpha), and we may, therefore, attribute these coins without hesitation to a Jewish government.

These foundations do not seem to have modified the general scheme of bureaucratic administration very seriously. In Peraea, as we saw, there was no change; in Judaea none, unless a toparchy was suppressed to form the territory of Antipatris. In Samaria the territory of Sebaste must have been small, including only perhaps its immediate toparchy, for at any rate one toparchy (Narbatene) still survived to the north-west, and on the south and east the territory which was later, as we shall see, to be assigned to Neapolis, must still have been royal land; for Vespasian would hardly have robbed the loyal city of Sebaste to endow his new foundation. It may also be noted that the Samaritans in Pilate's day still retained their communal organisation in a council corresponding to the Jewish Sanhedrin.<sup>4</sup> In Galilee, too, the administration must still have been mainly on bureaucratic lines. In Nero's reign not only Taricheae, only five miles from Tiberias, but Tiberias itself were reckoned as capitals of toparchies,<sup>5</sup> that is, even in the immediate territory of Tiberias the revenues were collected by royal officials and not by the city. In the Jewish War, Josephus, in his detailed accounts of the operations in Galilee,<sup>6</sup> nowhere hints that any of the many villages he mentions belonged to either Tiberias or Sepphoris, and the question which was to be administrative capital (to possess 'the royal bank and offices') was a subject of bitter rivalry between the two cities.<sup>7</sup>

For the period subsequent to the Jewish war our information is more scanty. On the conclusion of the war, Vespasian, according to Josephus,<sup>8</sup> determined to found no city on Jewish soil; the small settlement of veterans at Emmaus, near Jerusalem, was not granted

<sup>1</sup> *Vita*, 9.

<sup>2</sup> *Jos. Vita*, 12.

<sup>3</sup> *Jos., Ant.*, XVIII, v, 3.

<sup>4</sup> *Jos., Ant.*, XVIII, iv, 2.

<sup>5</sup> *Jos., Bell.*, II, xii, 3.

<sup>6</sup> *Vita*, *passim*.

<sup>7</sup> *Jos. Vita*, 9.

<sup>8</sup> *Bell.*, VII, vi, 6.

city organisation. This decision did not apparently hold for Samaria, for in A.D. 72 the city of Flavia Neapolis was founded near the Samaritan religious centre of Sichem. The population was probably originally Samaritan, for the earlier coin types are aniconic.<sup>1</sup> The next foundation is Hadrian's colony of Aelia Capitolina on the site of Jerusalem in A.D. 130-1. Here the population was purely foreign,<sup>2</sup> no Jew being allowed even to set foot in the city; various pagan cults are also recorded on the coin types<sup>3</sup>, in addition to that of Jupiter Capitolinus. In Hadrian's reign also Sepphoris assumed the name of Diocaesarea. The contemporary influx of pagan types into its coinage<sup>4</sup> implies that the government of the reconstituted city was placed in the hands of Gentiles, but whether or not they were newly imported colonists cannot be determined. Tiberias and Neapolis also, it may be noted, began to issue definitely pagan coins during Hadrian's reign;<sup>5</sup> Neapolis, to judge from the coin types, seems at this date to have crowned Mount Gerizim with a Hellenic temple,<sup>6</sup> while Tiberias built a temple to Hadrian.<sup>7</sup> In these towns also, therefore, the control seems to have been transferred to Gentiles. At Diocaesarea and Tiberias, however, the bulk of the population remained Jewish, and by the fourth century the Jews must have recovered control of the government, for neither Greek, Samaritan nor Christian was admitted to the two cities, and it was only with the utmost difficulty that one Joseph, a converted Jew, though armed with special powers by Constantine, succeeded in building a small church in each.<sup>8</sup>

The next two foundations fall in the reign of Severus. In A.D. 199-200<sup>9</sup> the village of Baetogabra became Eleutheropolis, styled Lucia Septimia Severiana on its coins, and at the same time Lydda became Diospolis, under the same style.<sup>10</sup> Both these cities were, to judge from the coin types, pagan. About twenty years later, in 222<sup>11</sup> or 223,<sup>12</sup> Emmaus was constituted the city of Nicopolis under the auspices of Julius Africanus. Under Diocletian a Diocletianopolis,<sup>13</sup> whose position is unknown, appears in Palaestina Prima,<sup>14</sup> and Adrademmon in the plain of Jezreel became Maximianopolis.<sup>15</sup> Finally, under Constantine, a Helenopolis,<sup>13</sup> of position unknown, appears in Palaestina Secunda.<sup>16</sup>

<sup>1</sup> De Saulcy, pp. 244 sqq., Head, *Hist. Num.*, p. 803.

<sup>2</sup> Cassius Dio, lxix, 12.

<sup>3</sup> De Saulcy, pp. 83-109, Head, *Hist. Num.*, p. 803.

<sup>4</sup> De Saulcy, pp. 327-9, Head, *Hist. Num.*, p. 802.

<sup>5</sup> De Saulcy, pp. 333-48 and 44-74, Head, *Hist. Num.*, pp. 802, 803.

<sup>6</sup> Of Ζεὺς Ὁψίστος (Phot. *Bibl.*, 242, Migne, *Patr. Graec.*, ciii, 1284 B).

<sup>7</sup> Epiphanius, *Adv. haer.*, 136, Migne, *Patr. Graec.*, xli, 425 A.

<sup>8</sup> Epiphanius, *loc. cit.*

<sup>9</sup> *Rev. bib.*, 1904, p. 270, Kubitschek, *Oesterr. Jahresh.*, vi, pp. 50 seqq.

<sup>10</sup> De Saulcy, pp. 241-3 and 170-1, Head, *Hist. Num.*, pp. 804, 802.

<sup>11</sup> Eus., *Cbron.*, a.Ab. 2237.

<sup>12</sup> Hieron., *Cbron. Pascb.*, 267 D.

<sup>13</sup> These cities may, of course, have been outside my area. If within it, they would be by a process of elimination (see below, p. 83) be in N.W. Samaria and Upper Galilee respectively.

<sup>14</sup> Hierocles, ed. Burckhardt (Teubner), 72c, 10; Georg. Cypr., 1012.

<sup>15</sup> Hieron., in *Zach.*, III, xii, 11, Migne, *Patr. Lat.*, xxv, 1515 C.

<sup>16</sup> Sozom., *Hist. Eccl.*, II, 2; Hierocles, 72o, 8; Georg. Cypr., 1038.

This bare list of foundations would be of little value but for the ample comment which it received from the Christian authors of the fourth century. From their works, in particular from the *Onomasticon Sacrum* of Eusebius, we derive information which enables us to trace, in outline at any rate, the extent of the territories assigned to each city. The accompanying map (pl. vii), on which the positions of the villages stated to have belonged to the various cities are marked in so far as they are identifiable, gives the data available. In the conclusions I have drawn from them I have made one assumption, which seems to me plausible. I have assumed that in the assignment of territory to new cities the boundaries of the old toparchies—which were still familiar to Eusebius—were preserved, that is, that toparchies were assigned *en bloc*, and that therefore, where a village of a certain toparchy is stated to have belonged to a certain city, the whole toparchy belonged to it. This assumption is not contradicted by any facts, and in one instance, that of the Thamnitic toparchy, is strikingly confirmed by them; for three widely separated villages of this toparchy are all stated to have belonged to Diospolis.

The political map of Palestine as reconstructed on these lines reveals the sweeping changes which the city foundations of the Roman period made in the administrative system. The territory of Aelia embraces not only the old toparchy of Jerusalem, which must have been exceptionally large, but also that of Herodium. Diospolis has absorbed the toparchy of Thamna in addition to its own toparchy of Lydda. Eleutheropolis possesses not only the two toparchies of Bethleptapha and Idumaea between which it lies, but also that of Engaddi;<sup>1</sup> to the south its territory stretched as far as the imperial *saltus* of Gerara<sup>2</sup> and the military station of Bersaba, whose inhabitants though in a different province dated their monuments by its era.<sup>3</sup> For Nicopolis, the latest comer, only its own toparchy of Emmaus is left. In the north Neapolis holds territory encircling Sebaste on the east and south. Further, the Herodian foundations have been re-endowed. Sebaste, whose expansion seemed cut off by Neapolis, has acquired a detached piece of territory in the Acrabattene toparchy, and Diocaesarea now owns all the western half of Lower Galilee. Allowing that Tiberias held the eastern half of Lower Galilee and Maximianopolis north-eastern Samaria, there remains to be accounted for only upper Galilee, western Samaria, and the Gophnitic toparchy of Judaea, besides the four toparchies of the Jordan valley. The rest has all become city territory.

This conclusion is confirmed by a study of the *Descriptio* of Georgius Cyprius. The *Descriptio*, unlike the *Synecdemus* of Hierocles,

<sup>1</sup> The eastern part of this toparchy is wilderness, and if it included any fertile territory it must have included the region of Hebron at least. Hebron belonged to Eleutheropolis since Zib, eight miles east of it, did.

<sup>2</sup> Theodoret, *Quaest. I in Paralip. II*, 575 Migne, *Patr. Graec.*, lxxx, 826 D.

<sup>3</sup> *Rev. bib.*, 1904, p. 264-270.

is not a mere catalogue of cities ; it professes to enumerate all the administrative units of which each province was composed, including districts (ῥεγεῶνες, κλίματα), imperial estates (σάλτοι), forts (κάστρα) and villages (κῶμαι) as well as cities. In using this list, which was drawn up in the latter part of the sixth century, as evidence for conditions in the fourth, allowance must of course be made for changes which may have come about in the intervening period. In particular it may be noted that a process of devolution has begun ; for example, Bittylios, in the fourth century still a village of Gaza,<sup>1</sup> is now an independent unit, and the port of Azotus has been detached from the city.

In Palaestina Prima, in addition to the known cities of the fourth century, a certain number of new cities have appeared, but these, as they all belong to the coastal region, do not concern us.<sup>2</sup> In addition to the cities, there are the four regions of the Jordan valley, and four other units, the 'saltus Gerariticus,' the 'saltus Constantianicus,' a 'Tricomia', and an apparently corrupt item, 'Toxos'. Of these, the 'saltus Gerariticus' lies outside our area, and Tricomia, being in the heart of the Eleutheropolitan territory, is probably a late devolution. There remain the 'saltus Constantianicus,' whose position is unknown, and the corrupt 'Toxos.' Is it possible, though palaeographically not very plausible, that under Τόξος lurks the toparchy of Γόφνα ? In Palaestina Secunda the case is clearer. Besides the cities, there are enumerated here the district of Gaulan, the village of Nais, and a tetracomia. The first, being beyond Jordan, does not concern us ; the second lies between Diocaesarea and Maximianopolis ; the position of the third is not known.

With these insignificant exceptions, then, the whole of the Judaeo-Samaritan territory, excluding the Jordan valley, has been by the fourth century absorbed into a series of pagan city-states. It remains to consider to whom the transformation is due. A beginning was certainly made by the Herodian princes. Their desire to shine as promoters of Hellenistic civilization seems, however, to have been tempered on the one hand by a lingering fear of offending the religious susceptibilities of their subjects, and on the other by a reluctance to lose control of revenue-producing territory. They preferred, on the whole, to adorn and rebuild existing pagan cities, and to such towns—mainly Jewish in character—as they built on their own territory, they either denied autonomy or, if they granted it, did not include in the grant any control of the surrounding territory. Vespasian, in his preoccupation with the finances of the empire, did not advance the process appreciably. The policy of Hellenization and urbanization begins in earnest with Hadrian, to whom are due not only the

<sup>1</sup> Sozom., *Hist. Eccl.*, V, 15, VI, 32.

<sup>2</sup> They are Jamnia, Onus, Sycamazon, Bittylios and Azotos Halinos.

foundation of pagan Aelia, but the reconstitution on pagan lines of Neapolis, Tiberias, and Sepphoris, and in all probability the endowment of the two last with the territories of which we find them possessed in the fourth century. The policy was vigorously carried forward by Severus, to whom we owe the two great foundations of Diospolis and Eleutheropolis, and probably the additional endowment of Sebaste, which received colonial rights during his reign.<sup>1</sup> The later emperors, Elagabalus, Diocletian and Constantine, had only to fill the gaps.

<sup>1</sup> *Dig.*, XV, i, 7.

## KEY TO MAP OF PALESTINE.

Names in capitals     ..     ..     cities.  
 Names in minuscules     ..     ..     villages.  
 Names in italics     ..     ..     toparchies.

NOTE.—The two superseded Seleucid toparchies are written in Greek.

Points A     ..     ..     villages of Aelia.

A1—Machmas (Eus., *Onom.*, ed. Larsow and Parthey, 284-5).

A2—Bethasa (*ib.*, 66-7).

A3—Gidora (*ib.*, 134-5).

Points Dc     ..     ..     villages of Diocaesarea.

Dc1—Araba (*ib.*, 46-7).

Dc2—Dabeira (*ib.*, 164-5).

Dc3—Gabatha (*ib.*, 131).

Points Dp     ..     ..     villages of Diospolis.

Dp1—Bethsarisa (*ib.*, 93-4),<sup>1</sup>

Dp2—Remphitis (*ib.*, 216-7).

Dp3—Thamna (*ib.*, 212-3).<sup>1</sup>

Dp4—Addara (*ib.*, 14-5).<sup>1</sup>

Points E     ..     ..     villages of Eleutheropolis.

E1—Saara (*ib.*, 324-5).

E2—Lobna (*ib.*, 262-3).

E3—Zanua (*ib.*, 198-9).

E4—Rebbo (*ib.*, 307).

E5—Caphar Zacharia (Soz., *Hist. Eccl.*, ix, 17).

E6—Saalim (Eus., *Onom.*, 319).

E7—Zib (*ib.*, 201).

E8—Duma (*ib.*, 172-3).

E9—Anab (*ib.*, 40-1).

E10—Esthemo (*ib.*, 192-3).

Point Ne     ..     ..     village of Neapolis.

Ne—Thebes (*ib.*, 220-1).

Point Ni     ..     ..     village of Nicopolis.

Ni—Gazara (*ib.*, 136).

Points P     ..     ..     villages of Ptolemais.

P1—Chabolo (Jos., *Vita*, 43).

P2—Besara (*ib.*, 24).

Points S     ..     ..     villages of Sebaste.

S1—Dothaim (Eus., *Onom.*, 174-5).

S2—Ateroth (*ib.*, 78-9).

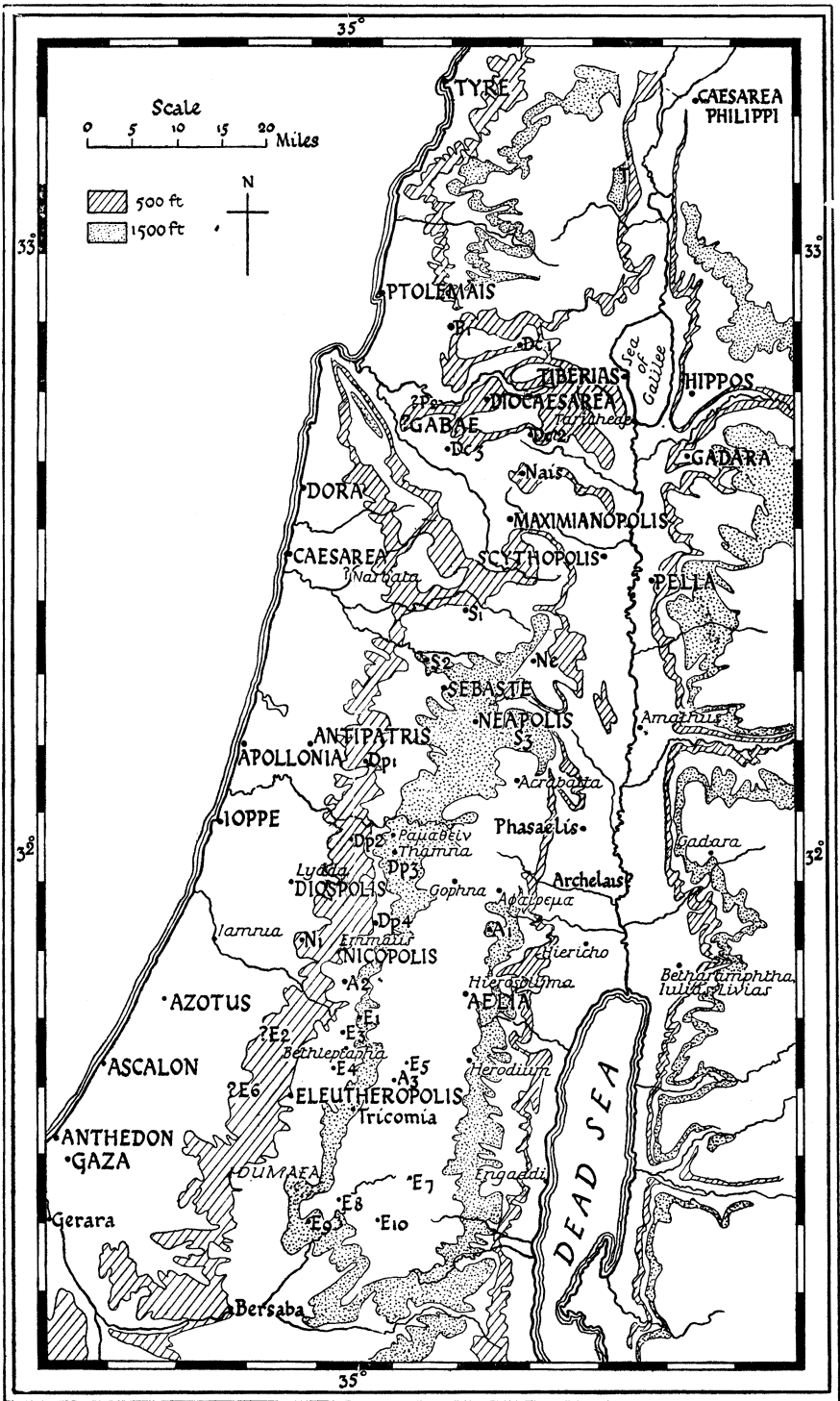
S3—Sanim (*ib.*, 348-9).<sup>2</sup>

Point T     ..     ..     village of Tyre.

T—Kedasa (Jos., *Bell.*, II, xviii, 1).

<sup>1</sup> These villages are stated to belong to the Thamnitic toparchy.

<sup>2</sup> This village is stated to be in the Acrabattene toparchy.



MAP OF PALESTINE (See p. 79 ff).



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Another Interpretation of the 'Constitutio Antoniniana'

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# ANOTHER INTERPRETATION OF THE 'CONSTITUTIO ANTONINIANA' <sup>1</sup>

By A. H. M. JONES

Much has been written on the 'Constitutio Antoniniana,'<sup>2</sup> especially since the publication of *Papyrus Giessen* 40, but very little in English. It may therefore be useful if, before I state my own views on the subject, I briefly summarise the main stages of the controversy up to the point which it has hitherto reached.

Mommsen, who did not live to see *P Giessen* 40, held that the CA probably granted the Roman citizenship to those only who were citizens of the several *civitates* composing the empire. There would therefore remain excluded subjects of the *civitates* who did not hold their citizenship, such as the *attributi*. In this category he reckoned all Egyptians except the citizens of Alexandria.<sup>3</sup> He later, in view of papyrological discoveries, modified his views on the last point. The institution of βουλαί in the Egyptian metropoleis would, he admitted, have raised certain Egyptians into the category of those who received the citizenship, but he held that the number of those affected was very small, perhaps only the actual βουλευταί.<sup>4</sup>

The problem of the Egyptians was further studied by Paul Meyer, who from an exhaustive study of the papyri elicited the conclusion (since proved false) that ἐπιτεκτριμένοι became Aurelii in 212 while λαογραφούμενοι did not.<sup>5</sup> The ἐπιτεκτριμένοι were in his view those eligible to military service but exempt (or partially exempt) from poll-tax, and corresponded roughly with upper Hellenised strata of the population, while the λαογραφούμενοι were those ineligible for military service but liable to poll-tax, the native Egyptians.

The problem had reached this stage when Paul Meyer published *P Giessen* 40. It will be convenient to give his revised text, as printed in *Juristische Papyri*, no. 1.

1. [Αὐτοκράτωρ Καῖσαρ Μᾶ]ρκος Αὐρήλι[ος Σεουήρος] Ἀντωνῖνο[ς] Σ[εβαστὸς] λέγει·
2. [Νυνὶ δὲ . . . . . χρ]ῆ μᾶλλον ἀν[αβαλόμενον τὰ]ς αἰτίας κ[α]ὶ το[ύς] λ[ιβ]έλλου[ς]
3. [Ῥητεῖν, ὅπως ἂν τοῖς θ]εοῖς τ[οῖς] ἀθ[αν]άτοις εὐχαριστήσῃμι, ὅτι τῇ τοιαύτῃ
4. [νίκη(?) . . . . . σῶο]ν ἐμὲ συν[ετῇ]ρησαν. Τοιγαροῦν νομίζω [ο]ὔτω με—
5. [γαλοπρεπῶς(?) καὶ εὐσεβ(?)]ῶς δύν[α]σθαι τῇ μεγαλει[ό]τῃ αὐτῶν τὸ ἱκανὸν ποι—
6. [εἶν εἰ τοὺς ξένους, ὅς]ταίς ἐὰν ὑ[π]εῖσέλθ[ωσ]ιν εἰς τοὺς ἐμοὺς ἀν[θρ]ώπους,

<sup>1</sup> My thanks are due to Professor de Zulueta, Professor Last, Mr. H. M. D. Parker and Mr. C. W. M. Cox, for reading this article in MS. and making many valuable criticisms which have, I hope, been met in part by subsequent alterations.

<sup>2</sup> Referred to below as CA.

<sup>3</sup> *Ges. Schr.*, v, 418–9.

<sup>4</sup> *Strafr.*, 123–5, especially 124<sup>2</sup>.

<sup>5</sup> *Heerovesen*, 136 ff.

7. [εἰς τὰς θρησκευτικὰς(?) τῶν θεῶν συνεπενέγκο]μι. Δίδωμι τοῖ[ν]υν ἅπα—  
 8. [σιν ξένοις τοῖς κατὰ τὴν οἰκουμένην π[ολίτ]ειαν Ῥωμαίων, [μ]ένοντος  
 9. [παντὸς γένους πολιτευμ]άτων, χωρ[ίς] τῶν [δε]δευτικίων, etc.

Meyer naturally interpreted the text to tally with his previous conclusions. He referred the exception χωρ[ίς] τῶν [δε]δευτικίων to the main verb; *dediticii* were, that is, excluded from the citizenship. By *dediticii* he understood the class which according to his previous researches were actually excluded, that is the λαογραφούμενοι. He pointed out that the λαογραφούμενοι were in fact *nullius certae civitatis cives*, as were, according to Ulpian (xx, 14), *dediticii*. He argued that payment of poll tax (which he identified with *tributum capitis*) was the mark of *dediticii*. The genitive absolute clause he explained as meaning that the status of communities was unaffected by the fact that all their members became Roman citizens.

Wilcken accepted and embellished Paul Meyer's theory. He suggested<sup>6</sup> that the Greek equivalent of *dediticii* was ὁμόλογοι, a term often applied to λαογραφούμενοι. This explanation of ὁμόλογοι has been exploded by Hunt.<sup>7</sup> He also endeavoured to answer an objection to Paul Meyer's thesis, viz. if so large a body as the λαογραφούμενοι were excluded from the citizenship under the CA, how did it come about that by the fifth century at least Roman citizenship was to all appearances universal? He answered<sup>8</sup> that the numerous Flavii who occur in Byzantine documents are evidence of extensive grants of the Roman citizenship by Constantine and his successors. This point has been dealt with by Bickermann (*infra*, p. 226).

A note of caution was sounded by two Italian scholars, Gino Segré<sup>9</sup> and Valentino Capocci.<sup>10</sup> On the grammatical side they pointed out that it was most unnatural to connect the phrase χωρ[ίς] τῶν [δε]δευτικίων with the main verb. On the historical side they pointed out that the literary authorities who record the CA<sup>11</sup> know of no exceptions to its operation, and that there is no record of any later grant of citizenship on a large scale whereby the large class supposed to have been left disfranchised by the CA could have acquired the citizenship they later undoubtedly possessed. They therefore concluded that the grant under the CA was in fact universal, though in deference to Paul Meyer's apparently cast-iron case they hedged about the Egyptians. The phrase χωρ[ίς] τῶν [δε]δευτικίων they took with the genitive absolute clause, interpreting it as meaning that the status of all *civitates* except *civitates dediticiae* (or *dediticiorum*) was unaffected by the fact that their members had become Roman citizens. *Civitates dediticiae* they took to be the strict legal definition of the ordinary provincial cities, commonly known as *stipendiariae*.

<sup>6</sup> *Grundz.*, 59 ff.

<sup>7</sup> *P. Ryl.*, ii, 210, pp. 286–8.

<sup>8</sup> *Grundz.*, 85.

<sup>9</sup> *Boll. Ist. Dir. Rom.*, xxxii, 1922–3, 191 ff.  
and *Studi in onore di Silvio Perozzi*, 139 ff.

<sup>10</sup> *Atti Acc. dei Lincei*, 1925, Ser. vi, 1.

<sup>11</sup> Cited at length in Capocci, *op. cit.*, 11–25.

This explanation has not found favour, but granted Mommsen's view (*infra*, p. 229) that all provincials were in strict law *dediticii* there does not seem to be much objection to it. Strictly speaking *civitates dediticiorum* is nonsense, since *dediticii* were *ex hypothesi* persons without political rights, but the phrase corresponds with the actual state of affairs presumed in Mommsen's theory, that the *dediticii* were allowed *de facto* to form *civitates*.

The controversy had reached this stage when Bickermann launched his bolt, 'Das Edikt des Kaisers Caracalla in *P Giess.* 40.' His principal thesis has not now many supporters. It was that *P Giessen* 40 was not the CA at all but a supplementary edict granting the Roman citizenship to such barbarian immigrants as were not *dediticii*. His grounds were (a) that the religious motive given in the preamble, to increase the number of those who worshipped the (Roman) gods, was not applicable to the ordinary provincials who already worshipped the same gods as the Romans, but would apply to recently settled barbarians; (b) that the iterative clause in line 6 could not apply to regular residents of the empire but only to occasional immigrants; (c) that the victory alluded to in the preamble must be the German victory of 213, and that the edict in *P Giessen* 40 must therefore be dated a year later than the CA; (d) that the *dediticii* mentioned in the edict could only be *barbari dediticii*. He recognised three kinds of *dediticii*. According to 'der Gaianische Begriff' of the term, all provincials were *dediticii*. This sense of the term he ruled out on the ground that it would make nonsense of the decree; for he referred the exception of the *dediticii* to the main grant, restoring the genitive absolute clause [μ]ένοντος [τῷ] φύσκῳ τοῦ λόγου ἀπαρβαλῆτως. The second kind of *dediticii* were the freedmen who were placed in the class by the Lex Aelia Sentia. These he ruled out because in the legal writers they are never styled *dediticii*, but always *liberti qui dediticiorum numero sunt* or some other periphrasis. There remained only barbarians who had surrendered themselves.

None of these arguments is very convincing. To (a) it may be answered that it is rather naïve to take the professed religious motive so seriously, and that it is, owing to the *lacunae* in the text, very problematical what precisely the motive was. The text can be made to yield a motive more in accord with the CA by some such restoration as those suggested by Stroux and Wilhelm (*infra*, p. 226 f.). Objection (b) has been removed by Stroux's brilliant restoration of the text (*infra*, p. 226). To (c) it may be answered that the word *νίκη* does not occur in the preamble (though it does occur in the more general reflections towards the end of the edict) and that, even if it is to be restored, there is evidence that Caracalla spoke of Geta's murder (the event alluded to by general consent in the preamble) as a victory. It is also odd, if our edict is to be dated

autumn 213, that it is in *P Giessen* 40 the first of three edicts the second of which is dated 11 July, 212. The question of the *dediticii* I will reserve till later. It may, however, be remarked here that it would have been very confusing if the same term meant not only all persons who were not Romans or Latins or citizens of free cities but also two small sub-classes of them in distinction from the rest.

Dubious though his positive thesis was, Bickermann nevertheless made several very valuable contributions to the problem of the CA. By a more acute and thorough analysis of the papyri he destroyed Paul Meyer's theory. The full official style, including the name Aurelius was, he pointed out, not necessarily used except in official documents, and if this be borne in mind it can be proved that in fact all Egyptians became Roman citizens in 212. He also demolished Wilcken's suggestion about the Byzantine Flavii. These Flavii were, he showed, normally persons of high official standing and soldiers. They appear to have been either immigrant barbarians, such as Constantine and his successors delighted to honour, or Aurelii who took the imperial *nomen* on receiving an official position or joining the army. They certainly do not represent the lower strata of society who on Paul Meyer's hypothesis remained disfranchised under the CA. He also destroyed Paul Meyer's theory that poll-tax or *tributum capitis* was a mark of the *dediticii*.

The next important contribution to the problem was that of Schönbauer.<sup>12</sup> He rejected Bickermann's hypothesis and returned to the view of Segré and Capocci, now fortified by Bickermann's destruction of Paul Meyer's theory, that the grant of Roman citizenship was universal and is not conditioned by the phrase χωρ[ις] τῶν [δε] δειτικίων. He next sought a suitable meaning for the genitive absolute clause and decided that it must mean that local citizenship was unaffected by the grant of Roman citizenship. The *dediticii*, whom he considered to be those who belonged to no *civitas*, were naturally excluded from the operation of this clause, as they had no local citizenship. His restoration of the text, [μ]ένοντος πολιτικοῦ σφισιν ἀπαρβα[ρ]άτως is scarcely Greek, and he has himself abandoned it in favour of Wilhelm's (*infra*, p. 227). To the sense I can find little objection save that the clause is superfluous, since it had long been established that the grant of Roman citizenship did not affect local citizenship, and the exception of the *dediticii* otiose, since they had no local citizenship to be confirmed or not confirmed.

Stroux<sup>13</sup> made several important contributions to the study of the text. In line 6 he read, ποι[εῖν] εἰ τοσάκις μυρίουσ[ιν] ὅσ[α]κις ἐὰν ὕ[π]εισέλθ[ωσιν] εἰς τοὺς ἐμοὺς ἀν[θρ]ώπους.. This convincing restoration destroys Bickermann's argument (b). At the beginning of line 7 he read [ἐ]μότημοις εἰς τὰ ἱερὰ τῶν θεῶν. This gives a suitable

<sup>12</sup> *Zeitschr. Savigny Stift.*, Roman. Abt., 1931, 277 ff.

<sup>13</sup> *Philologus*, 1933, 272 ff.

religious motive for the CA, as against Bickermann's argument (a). At the beginning of line 4 he read [συμφορᾷ περιπεσόντα σῶο]ν ἐμέ, thus countering Bickermann's argument (c). At the beginning of line 8, in deference to Ulpian (*Dig.* I, v, 17, *in orbe Romano qui sunt*), he suggested ἀπα[σιν ὅσοι ἐὰν ὧσι κατὰ τῇ]ν οἰκουμένην. His restoration of line 9 and interpretation of the whole edict seem to me less admirable. He would read [μ]ένοντος [ξένου οὐδενὸς τῶν πολιτευμ]άτων and would take the exception χωρ[ις] τῶν [δε]δευτικίων with both the main verb and the subordinate clause. All (except the *dediticii*) received the citizenship, no *civitas* remained *peregrina* (except the *dediticii*). The *dediticii* he took to be a very small class, whose mark was absolute ineligibility for the Roman citizenship.

In 1934 Adolph Wilhelm<sup>14</sup> published (without commentary) a new version of the text of *P Giessen*, 40. Since it is the latest and, to my mind, the most satisfactory text that has appeared, and as I propose to base my interpretation upon it, I quote it :

1. [Αὐτοκράτωρ Καῖσαρ Μάρκος Αὐρήλιος Σεουήρος] Ἀντωνεῖνο[ς] Σ[εβαστὸς] λέγει.
2. [Πάντων εἰς τὸ θεῖον χρ]ῆμα πολλὸν ἀν[αφέρειν καὶ τὰς αἰτίας κ[α]ὶ το[ύς] λ[ογ]ισμ[ο]ύς],
3. [δικαίως δ' ἂν κἀγὼ τοῖς θεοῖς τ[οῖς] ἀθ[αν]άτοις εὐχαριστήσαιμι ὅτι τῇ[ς] τοιαύτῃ[ς]
4. [ἐπιβουλῇς γενομένης σῶο]ν ἐμέ συν[ετήρ]ησαν. τοιγαροῦν νομίζω [ο]ύτω με—
5. [γαλομερῶς καὶ θεοπρεπ]ῶς δύ[να]σθαι τῇ μεγαλει[ό]τητι αὐτῶν τὸ ἱκανὸν ποι—
6. [εἶν εἰ τοσάκις μυρίους ὅσ]άκις ἐὰν ὁ [π]εισέλθ[ωσ]ιν εἰς τοὺς ἐμοὺς ἀν[θρ]ώπους
7. [ὥς Ῥωμαίους εἰς τὰ ἱερὰ τῶν θεῶν συνει[σ]ενέγ[κοι]μι. δίδωμι τοῖ[ν]υν ἅπα—
8. [σιν τοῖς κατοικοῦσιν τῇ]ν οἰκουμένην πολίτ[ειαν] Ῥωμαίων [μ]ένοντος
9. [οὐδενὸς ἐκτὸς τῶν πολιτευμ]άτων χωρ[ις] τῶν [δε]δευτικίων. ὁ[φ]εῖλει [γ]ὰρ τὸ
10. [πληθὸς οὐ μόνον τᾶλλα συνυπομέ]νειν πάντα, ἀ[λλ]ὰ ἡδὲ κα[ὶ] τῇ νίκῃ ἐμπεριεῖ—
11. [λῆφθαι. τοῦτο δὲ τὸ ἐμὸν διάτ]αγμα ἐ[ξ]απ[λώσει] τὴν μεγαλειότητα [το]ῦ Ῥωμα[ί]—
12. [ων δήμου. συμβαίνει γάρ τὴν αὐτῇ]ν περὶ τοὺς ἄλλο[υ]ς γεγενῆσθαι ἥπερ δι[ι]α—
13. [πρέπουσιν ἀνέκαθεν Ῥωμαῖοι τιμῇ κα]ταλειφ[θέντων] . . . . . ὡν τῶν ἐκάστης, etc.

The operative clause I translate : 'I grant therefore to all the inhabitants of the world (without exception) Roman citizenship, no one remaining outside the citizen bodies (of the several cities which the empire comprises) except the *dediticii*.' I thus take the grant of the citizenship to have been universal. The arguments in favour of this view may be briefly recapitulated. None of the literary authorities who mention the CA knows of any exceptions to its operation. Bickermann has proved that the Egyptians, who were certainly in the humblest grade of provincials and in my view were *dediticii*, all received the Roman citizenship. No later grants of citizenship on a large scale are recorded, and yet Roman citizenship was certainly virtually universal in the fifth century. Bickermann has shown that the Byzantine Flavii do not represent a class left disfranchised by the CA. It may be noted, to clear away misunderstanding, that the CA merely made all the free inhabitants of the Roman empire at that date citizens, and did not abolish other status.

<sup>14</sup> *AJA*, 1934, 180.

The Lex Iunia and the Lex Aelia Sentia continued to produce freedmen of the status of *Latini* and *dediticii* until Justinian abolished these status. *Peregrini* continued to exist outside the empire and remained *peregrini* when they migrated within it, becoming in some circumstances *peregrini dediticii*. There is therefore no reason for surprise that military diplomas continue to grant the *civitas* to those who had served in the *auxilia* and the fleet and to *equites singulares*, and *conubium* with women *peregrinae condicionis* to those who had served in the praetorian and urban cohorts. The army was often recruited from barbarians domiciled within the empire or even from beyond its borders (a Parthian *equus singularis* is recorded in *ILS*, 2193). Nor is it surprising that bodies of *dediticii* in the Roman army are not infrequently mentioned in the fifth,<sup>15</sup> fourth,<sup>16</sup> and even the early third century.<sup>17</sup> They are barbarians who had surrendered themselves and been enrolled in the army.

Wilhelm's reading of the genitive absolute clause has been welcomed by Schönbauer<sup>18</sup> as conforming with his interpretation of the CA. To my mind it does something more than confirm existing local citizenships. It enacts that persons hitherto excluded from local citizenship be enrolled in the local citizen registers. It is established that in the period prior to the CA there were a considerable number of persons who belonged to cities without being citizens of them. The *incolae* and *gentes attributae* of the West are familiar. In the East the evidence is scantier, but it appears that there were in some cities subject populations. At Heraclea Pontica there were the Mariandyni;<sup>19</sup> Strabo<sup>20</sup> distinguishes at Cyrene the γεωργοί from the πολλῖται; at Prusias ad Hypium an inscription<sup>21</sup> contrasts οἱ ἐνκεκριμένοι with οἱ τὴν ἀγροικίαν κατοικοῦντες. It would also appear that under Hellenistic city-law freedmen did not ever, as in most circumstances they did under Roman law, acquire the political status of their patrons, but remained an inferior class. At Pergamum in 133 B.C. descendants of freedmen were ranked below resident aliens,<sup>22</sup> at Ephesus in 85 B.C. freedmen themselves were treated likewise.<sup>23</sup> Under the principate an inscription of Sillyum<sup>24</sup> classes οὐνδικτάριοι and ἀπελεύθεροι with πάροικοι (resident aliens) below πολλῖται while the *Gnomon of the Idios Logos* (§ 49) treats ἀπελεύθεροι Ἀλεξανδρέων as a separate class. These distinctions should on my view have been swept away by the CA. It is difficult to prove that this was the case, but it is at least in favour of my hypothesis that in the writings of the third-century lawyers on municipal law preserved in Book L of the *Digest* it is assumed that everyone is a *municeps* of

<sup>15</sup> *Cod. Theod.*, vii, 13, 16.

<sup>16</sup> *Amm. Marc.* xx, 8, 13; xxi, 4, 8.

<sup>17</sup> *ILS* 9184.

<sup>18</sup> *Zeitschr. Savigny Stift.*, Roman. Abt., 1934,

337.

<sup>19</sup> Strabo, xii, 3, 4, p. 542.

<sup>20</sup> *apud* Jos., *Ant.* xiv, 7, 2, § 115.

<sup>21</sup> *IGR* iii, 69.

<sup>22</sup> *IGR* iv, 289.

<sup>23</sup> *Syll.*<sup>3</sup> 742.

<sup>24</sup> *IGR* iii, 801.

some city and it is stated as a universal rule that freedmen become *municipes* of their patrons' cities. I venture to suggest that Ulpian's ruling,<sup>25</sup> 'qui ex vico ortus est eam patriam intelligitur habere cui rei publicae vicus ille respondet,' must belong to the period immediately following the CA.<sup>26</sup> Doubt on this question could only arise at a time when cities were claiming as their citizens inhabitants of their territories who had not hitherto figured on their citizen registers.

It remains to discuss the *dediticii*. A useful collection of the available evidence will be found in *Archiv lat. Lex.*, xi, 81 ff. They are defined by Gaius (i, 14) thus: 'vocantur autem peregrini dediticii hi qui quondam adversus populum Romanum armis susceptis pugnauerunt, deinde victi se dediderunt.' The terms of a typical *deditio* are given thus by Livy (vii, 31): 'itaque populum Campanum urbemque Capuam, agros, delubra deum, divina humanaque omnia in vestram, patres conscripti, populique Romani dicionem dedimus, quidquid deinde patiemur dediticii vestri passuri.' *Dediticii* were thus persons, utterly destitute of rights, at the mercy of the Roman people. It must now be enquired who were regarded as belonging to this class. Mommsen has shown<sup>27</sup> that in her earlier career (the conquest of Italy) Rome very rarely left her defeated enemies other than momentarily in the condition of *dediticii*, either granting them the Roman citizenship, full or *sine suffragio*, or reconstituting them as an independant allied community. The few exceptions to this rule (e.g. the Campanians and the Bruttians) were temporary and abnormal. Mommsen held, however,<sup>28</sup> that later in her career, when she acquired provinces, Rome omitted to regulate definitively the status of their inhabitants, who thus remained permanently in a condition which in strict legal language could only be described as that of *dediticii*, though he admitted that this term was never applied to them, and that in practice they enjoyed rights, in particular that of self-government, which were in theory denied to *dediticii*. But, Mommsen held, the 'tolerated autonomy' which the ordinary provincial community enjoyed was precarious and therefore legally null; the provincials had in strict law no rights and were all *dediticii*. I find this view, which is accepted by many modern scholars, including Segré, Capocci and Bickermann, difficult to believe. It may, I think, be justifiably assumed that the inhabitants of an annexed province were deemed *se dedidisse* and became temporarily *dediticii*. But it seems to me probable that by the grant of autonomy provincials ceased to be *dediticii* and became ordinary *peregrini*. The autonomy of the provincial communities was not merely 'tolerated.' It was granted, regulated and guaranteed by the *lex provinciae*. Cicero says of Therma, which was neither

<sup>25</sup> *Ad Edictum*, lxi, *apud Dig.*, L, i, 30.

<sup>26</sup> Jörs (P-W, s.v. 'Domitius,' coll. 1439-40) has shown that the treatise *Ad Edictum* was almost certainly written in Caracalla's reign. The CA

is recorded in Book xxii of the work (*Dig.*, I, v, 17).

<sup>27</sup> *Staatsrecht*, iii, 138-42.

<sup>28</sup> *Staatsrecht*, iii, 716 seqq.

*foederata* nor *libera* but an ordinary *civitas decumana*, 'cum . . . senatus et populus Romanus Thermitanis . . . urbem agros legesque suas reddidisset' (*Verr.*, ii, 90). Is this formal phrase pure verbiage?

On general grounds therefore I hold that provincials who enjoyed autonomy were not *dediticii*. But it is desirable, if possible, to check this conclusion by more solid arguments. To do so I propose to search for some distinguishing mark of *dediticii* whereby they can be recognised. Unfortunately, nearly all our information on *dediticii* refers to those freedmen of whom the Lex Aelia Sentia enacted (Gaius, i, 13) 'ut . . . eiusdem condicionis liberi fiant cuius condicionis sunt peregrini dediticii,' and it is often difficult to tell whether the particular disabilities recorded were general to all *dediticii* or peculiar to freedmen of the class. The prohibition of residence within a hundred miles of Rome (Gaius i, 27) was enacted in the Lex Aelia Sentia and therefore peculiar to freedmen. The rules governing the disposition of the property of deceased *liberti dediticii* (Gaius iii, 74-6) were modelled on the rules applicable to other freedmen, and therefore clearly peculiar to freedmen. Incapacity to inherit (from a Roman) was a disability shared by all *peregrini*.<sup>29</sup> Incapacity to make a will was by Gaius (iii, 75) inferred from the presumed intentions of the legislator (of the Lex Aelia Sentia). It may be deduced from this argument of Gaius that incapacity to make a will was not inherent in the *condicio* of a *dediticius*. Ulpian (xx, 14) infers this disability on more interesting grounds, 'quoniam nec quasi civis Romanus testari potest cum sit peregrinus, nec quasi peregrinus quoniam nullius certae civitatis civis est ut secundum leges civitatis suae testetur.' Was *nullius certae civitatis civem esse* a general mark of *dediticii*? Many have held so, and I believe it to be so, but the fact cannot be deduced from Ulpian's words. Mommsen's view is compatible with Ulpian's dictum. Ordinary *peregrini dediticii* could make wills because they belonged (*de facto*) to a *civitas*. *Liberti dediticii* could not because they belonged to none.<sup>30</sup>

There remains one mark of *dediticii*, incapacity to receive the Roman citizenship. This is not asserted in so many words by the lawyers even of *liberti dediticii*. They merely state that slaves with a criminal record did not receive citizenship on manumission,<sup>31</sup> 'nec ulla lege aut senatusconsulto aut constitutione principali aditus illis ad civitatem Romanam datur,'<sup>32</sup> that is, that no regular avenues were provided for them, as for *Latini Juniani*, to acquire the citizen-

<sup>29</sup> Gaius, i, 25; Ulpian, xxii, 2.

<sup>30</sup> I should explain how I square this passage of Ulpian with my own theory. Most *dediticii* (e.g. the Egyptians) could make wills, although they were *nullius civitatis cives*. They could do so, I believe, under administrative rules enacted by the Roman government for particular categories of *dediticii*. Ulpian's argument is therefore in-

complete. He should have added 'because the Roman government has enacted no rules for this category of *peregrini dediticii*.' But this was so obvious as not to be worth stating. The question would never have arisen had the Lex Aelia Sentia regulated it.

<sup>31</sup> Gaius i, 15.

<sup>32</sup> Gaius i, 26.



ship. But from another passage it would appear that *dediticii* were excluded from the citizenship. Under the rules for *erroris probatio*<sup>33</sup> if a Roman man married a Latin or peregrine woman imagining her to be a Roman, or vice-versa in the case of a Roman woman, the Latin or peregrine spouse and the children of the marriage could obtain the Roman citizenship. But, if the spouse was *deditiorum numero*, he or she could not acquire the citizenship, though the children could. In these cases then a normal avenue to the citizenship was stopped. These rules apply, it seems to me, to all *dediticii*, not to freedmen only. The passage has no special reference to freedmen. The parties concerned are ordinary Romans, Latins and *peregrini* and presumably therefore ordinary *dediticii*. It is generally held, it is true, that the periphrasis *deditiorum numero* indicated freedmen of the class, but there is no strong reason for thinking so. It is always, except in this passage, applied to freedmen of the class, but it would be rash in view of the poverty of references to *dediticii* to assume that it was employed exclusively for freedmen. The periphrasis may have been preferred by lawyers because the great majority of *dediticii* were fictive, never having made a *deditio*. The term *dediticii* is usually, it may be noted, applied *simpliciter* to persons who had actually surrendered themselves (barbarians in particular).

It would be rash to pin much on so slender an argument. But the incapacity of *dediticii* to receive the Roman citizenship is implicit in the Lex Aelia Sentia. One of its principal provisions was :<sup>34</sup>

Ut qui servi a dominis poenae nomine vincti sint, quibusve stigmata inscripta sint, deve quibus ob noxam quaestio tormentis habita sit et in ea noxa fuisse convicti sint, quive ut ferro aut cum bestiis depugnarent traditi sint, inve ludum custodiamve coniecti fuerint, et postea vel ab eodem domino vel ab alio manumissi, eiusdem condicionis liberi fiant, cuius condicionis sunt peregrini dediticii.

The object of the Lex Aelia Sentia was according to Suetonius,<sup>35</sup> 'ne vinctus unquam tortusve quis ullo libertatis genere civitatem adipisceretur.' I agree with Stroux in deducing from these facts the inference that assigning freedmen with a criminal record to the class of *dediticii* was a means of debarring them from the citizenship, and that therefore it was a general rule applicable to all *dediticii* that they could not obtain the Roman citizenship.

If this conclusion be accepted it follows that most provincials were not *peregrini dediticii*, since they were freely granted the citizenship. They were ordinary *peregrini*. But from the younger Pliny<sup>36</sup> it appears that there was a difference between Egyptians and other *peregrini*, and that the principal mark of the peculiar status of the

<sup>33</sup> Gaius i, 67-8; Ulpian, vii, 4.

<sup>34</sup> Gaius i, 13.

<sup>35</sup> Aug., 40.

<sup>36</sup> Ep. x, 5, 6 and 7.

Egyptians was that they could not receive the Roman citizenship.<sup>37</sup> It follows on my view that the Egyptians were *dediticii*.

The term 'Egyptians' requires further elucidation. It clearly does not include the Alexandrians, since, in the particular case at issue, Harpocras could become a Roman citizen when he had previously become an Alexandrian. The members of the other Greek cities of Egypt were presumably on the same footing as the Alexandrians. I follow Bickermann<sup>38</sup> in believing that all other inhabitants of Egypt (or rather persons whose *origo* was Egypt) were Egyptians in the technical sense. To Bickermann's arguments against the existence of any intermediate class between Alexandrians (and members of the other cities) and Egyptians may be added another from the above-mentioned letters of Pliny. Trajan was unwilling to grant Alexandrian citizenship, but was obliged to give it to Harpocras in order to fulfil his previous promise to grant him the Roman citizenship. If an intermediate class had existed, Harpocras could have been made a member of it and this would have sufficed, for he would thereby have ceased to be an Egyptian in the technical sense.

The Egyptians as defined above differed from most provincials in that they were not organised in cities and possessed no autonomy. It is tempting to connect their status as *dediticii* with this fact. The argument from constitutional theory developed on a previous page may now be completed thus. The inhabitants of most provinces, after having become *peregrini dediticii* on annexation, were raised to the rank of simple *peregrini* by the grant of autonomy. The inhabitants of those provinces which like Egypt (and it may be added Cappadocia and others) were administered on bureaucratic lines, did not receive autonomy and therefore remained permanently *dediticii*. I thus arrive at a conception of *dediticii* very similar to that which Schönbauer reached, though he had done so by arguments some of which seem to me of very questionable validity. *Dediticii*, it may be noted, were in my view *peregrini* who belonged to no political community but were immediately subject to Rome. They therefore did not include *incolae*, etc., of the provincial communities, who were in the eyes of Rome *peregrini*, members of a *civitas peregrina*. Whether a *peregrinus* was a citizen or subject of his *civitas* was, so far as his status in Roman law was concerned, irrelevant.<sup>39</sup>

<sup>37</sup> This disability of Egyptians is also implicit in § 55 of the *Gnomon*, whence it appears that Egyptians were not, like most *peregrini*, admitted to the legions, and did not improve their condition if they served clandestinely. Egyptians who served in the fleet of Misenum must presumably have obtained their citizenship by some such fiction as that employed in the case of Harpocras. They perhaps acquired peregrine or Latin status on recruitment and then Roman citizenship on discharge.

<sup>38</sup> *Archiv Pap.*, ix, 24 seqq.

<sup>39</sup> Pliny says of Harpocras (*Ep.* x, 5), 'est enim peregrinae condicionis manumissus a peregrina.' Manumission would not necessarily have made Harpocras a citizen of his community, but it proved that he was a free man and a member of a foreign community, and this sufficiently defined his status (or would have done had not his *patrona* been a *dediticia*).

To return to the CA, persons who did not belong to any community but were directly subject to Rome were excluded from the provision that all persons were to be enrolled in the citizen bodies of the several communities. The exception of the *dediticii* is not in my interpretation otiose, as it is in Schönbauer's. It was logically necessary to state that *dediticii* were not to be enrolled in any citizen body, even though in fact they had no citizen body in which to be enrolled. But the exception of the *dediticii* was perhaps not merely a logical necessity. It may have been designed to prevent cities from claiming as their citizens *dediticii* who were geographically their neighbours or administratively in some sense subject to them. A case in point is Egypt. Septimius Severus had radically altered the administrative system of Egypt by creating in the metropolis of each nome a city organisation and making it responsible in a large measure for the administration of the nome. It is to be presumed that this administrative change had constitutional repercussions, the citizens of the new city organisations ceasing to be *dediticii*. The rest of the Egyptians would, however, have remained *dediticii* and the effect of the exception to the second clause of the CA would thus have been to maintain the *status quo*, restricting citizenship of the cities to the existing citizens. That this was the fact is difficult to prove, but there is some evidence in favour of my view. The citizen bodies of the Egyptian cities were according to general practice divided into *φυλαί*. Now these *φυλαί* were in fact, and continued to be throughout the third and fourth centuries, equivalent to *ἄμφοδα* of the metropoleis.<sup>40</sup> It would appear then that citizenship of the Egyptian cities was confined to the population (or more probably a part of the population) of the metropoleis, and did not extend to the inhabitants of the rest of the nome. The practical significance of their exclusion is brought out by a recently published papyrus.<sup>41</sup> It is the record of a trial before the prefect of Egypt c. A.D. 250. The main question at issue is the right of the metropoleis (the city of the Arsinoites in this case) to nominate villagers to magistracies and liturgies. The advocate of the city claims (line 61), αἰεὶ κωμ[ηταὶ παρ'] ἡμεῖν προβάλλονται [εἰς κο]σμητείας. This claim, which is not upheld, is interesting as showing that the metropoleis did habitually try to claim the services of the inhabitants of the nome, and that the exception in the CA had practical importance. In reply the advocate of the villagers who had been nominated cites a constitution of Severus (line 82), Σεουήρου τοῦ αὐτοκράτορος νό[μο]ν ἀναγινώσκω μὴ δεῖν ἀπὸ τῶν <κωμῶν> κωμητ[ῶν εἰς τὰ]ς μητροπολιτικὰς ἄγεσθαι λειτουργίας. This constitution, from the mention of metropoleis, evidently has special reference to Egypt, and it may be connected with the institution of *βουλαί* by Severus, which may well have caused misconceptions to arise as to the liability of the inhabitants of

<sup>40</sup> See Wilcken, *Cbrestom.* i, 36, 403, 405.

<sup>41</sup> *JEA*, 1935, 244 ff.

the nome to offices in the metropoleis. What is important for my present point is the fact that Severus' ruling was unaffected by the operation of the CA. The advocate of the villagers continues (line 85), καὶ μετὰ Σεούηρον πάντες οἱ ἡγούμενοι οὕτως ἀπεφάνησαντο, and the prefect in the present case upholds the principle.

The exclusion of the *dediticii* from local citizenship may perhaps explain a curious letter of Isidore of Pelusium.<sup>42</sup> It is stated in the letter that Cappadocians had till recently been, and Egyptians still were, excluded from ἀρχαί, by which are apparently meant posts in the imperial service such as provincial governorships. It is curious that the two provinces mentioned are precisely those in which the bulk of the population would, before 212, have been, on my theory, *dediticii*, and it is perhaps conceivable that the disability recorded by Isidore was connected with this fact. Egyptians and Cappadocians, in the restricted sense of inhabitants of Egypt and Cappadocia formerly of deditician status, may, seeing that they were excluded from civic magistracies, have been deemed *a fortiori* ineligible for State magistracies.

It remains to consider the motives for the decree as I have interpreted it. With the main clause I am not concerned, since it is common ground for all interpretations. There is, however, one theory, that brought forward by Johnson,<sup>43</sup> which I must dispute. This view is that Roman citizens had hitherto been exempt from civic *munera* and that by the universalisation of Roman citizenship this privilege was swept away. An edict of Augustus relative to Cyrene<sup>44</sup> declares that those who had received Roman citizenship were not exempt from their local liturgies, and there is no reason to believe that this rule was not universal. The main clause had therefore no direct bearing on civic *munera*. If I may venture to hazard a guess, I should suggest that its chief object was the simplification of law and administration by the abolition of a distinction which had long ceased to correspond with the facts. In the matter of recruiting, for instance, as is well known, the theoretical exclusion of *peregrini* from the legions had for a long time past become practically obsolete and was only maintained by legal fictions. In the matter of appeals to Caesar the legal distinction between *cives Romani* and *peregrini* had long been overshadowed by the social distinction between *honestiores* and *humiliores*. Decurions and their families, whether *peregrini* or not, had come to possess the right of appeal. It was inconvenient that *plebeii*, because they happened by a historical accident to be *cives Romani*, should possess it, and they certainly lost it after the CA; their rights had probably become obsolete in practice long before. In municipal affairs also the existence of a

<sup>42</sup> *Ep.*, i, 489: Migne, *PG*, lxxviii, 448-9.

<sup>43</sup> *Municipal Administration in the Roman Empire*, 191-2, 549-50.

<sup>44</sup> *JRS* xvii, 1927, 35.

number of mutually exclusive citizen bodies had become an inconvenient anachronism. It probably meant that a man residing in a city not his own was not only for practical reasons exempt from the burdens of the city of his birth, but was also legally incapable of shouldering the burdens of the city of his domicile; for the principal *munera* were by this date attached to the decurionate and only citizens could become members of the *curia*. Under the new régime all shared a common citizenship and for the system of local citizenship was substituted the more flexible doctrine of *origo*. The city of his *origo* still had a prior claim on a man's services, but there was, now that all shared a common citizenship, no insuperable barrier to a man's taking his full share in the life of the city of his domicile.

For the subordinate clause, since I have given to it a new interpretation, I owe an explanation. It was a logical corollary of the main clause. Now that all the inhabitants of each city were Roman citizens, it was illogical to maintain the distinction between those who were its full members and those who were its subjects. This distinction had moreover become in practice very inconvenient. The cities were hard pressed to find sufficient candidates of the requisite means to fill the magistracies and take their seats in the *curia*. An inscription of Tergeste<sup>45</sup> shows that already in the second century this city was anxious to draw on the resources of its *gentes attributae* to fill its *curia* and to secure the performance of its *honores* and *munera*. The CA, by enrolling all the inhabitants of each city territory on the citizen register, provided each city with many more persons on whom it could impose its *honores* and *munera*.

The motive for the exception of *dediticii* from this measure was to safeguard the interests of the State against any possible encroachment by the cities. Being under the immediate administration of the State the *dediticii* owed obligations directly to the State; thus in Egypt they were liable to liturgic offices in the State service. In point of fact *dediticii* were normally also tenants of the State, since directly administered areas were for the most part public land. It was therefore contrary to public policy to impair their capacity to fulfil their obligations to the State by making them liable to civic obligations. *Conductores vectigalium fisci* and *coloni Caesaris* had for long been exempt on similar grounds from civic *honores* and *munera* and had even been forbidden to undertake them voluntarily. *Dediticii* had hitherto been in no danger of incurring civic *honores* and *munera*, since they belonged to no city, and the CA expressly exempted them for the future by forbidding their inscription on the citizen registers.

<sup>45</sup> ILS 6680.



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## THE ELECTION OF THE METROPOLITAN MAGISTRATES IN EGYPT<sup>1</sup>

By A. H. M. JONES

PAPYROLOGY tends too much to be divorced from the study of Roman history ; not unnaturally, since papyrologists have their hands too full already to wish to venture into an alien field, and the students of Roman history are deterred by the technicality and the profusion of papyrus documents. But it is plain that many problems of papyrology will become clearer in the light of what we know of the constitutional law and administrative procedure of the Roman Empire, and that, on the other hand, our rather meagre knowledge in these fields will be immensely amplified by the interpretation of the papyri. This paper is an attempt to correlate what we know of the election of city magistrates in the Roman Empire generally, and in particular in the Greek East, with the evidence of the papyri on this question.

I approach my problem from the general practice in the eastern provinces. There is no dispute here as to the main principle, that the magistrates (*ἄρχοντες*) of each city were elected by its people (*δῆμος*). Of the procedure we know virtually nothing, but I would wish at this stage to venture a hypothesis which will I hope be justified later in this paper. There can be little doubt that democracy was in the Hellenistic East the dominant form of city government, and that the particular form of democracy generally adopted was modelled, directly or indirectly, on the constitution of Athens. It is, therefore, not unreasonable to apply what we know of Athenian constitutional procedure to the Greek cities of the East in general. We know from Aristotle's *Constitution of Athens* that the election of magistrates in the assembly was preceded by a *προβούλευμα* (Arist., *Ἀθ. Πολ.*, 44, 4). We do not know what the content of this *προβούλευμα* was, and it may have varied. It may have been simply to the effect that the people elect the magistrates, but it may, and probably often did, propose a number of names to the people. In the procedure of election at Athens names were first proposed (*προβολή*) and then voted upon (*χειροτονία*). Proposal of names often took place in the assembly (Dem., xviii, 149, *προβληθεὶς πυλάγορος οὗτος καὶ τριῶν ἢ τεττάρων χειροτονησάντων αὐτὸν ἀνερρήθη*, Aesch., *Fals. Leg.*, 18, *χειροτονοῦμένων δὲ τῶν δέκα πρεσβέων ἐγὼ μὲν προσεβλήθην ὑπὸ Ναυσικλέους, Δημοσθένης δ' ὑπ' αὐτοῦ Φιλοκράτους*), but Plato in the ideal city of the Laws, which clearly borrows much from Athens, envisages the normal procedure as the presentation to the people of a list of candidates, to which members of the assembly may make additions, and then a vote on this possibly augmented list (Plato, *Legg.*, 755, CD). The role of the council (*βουλή*) is likely to have become more important when its character was remodelled by the Romans, and I suggest that under Roman rule the normal procedure in the cities of the East was *προβολαί* in the *βουλή*, a *προβούλευμα* proposing to the *δῆμος* the names of candidates, the possibility of further *προβολαί* in the *ἐκκλησία*, and finally *χειροτονία*.

I enter Egypt via Alexandria. Alexandria was without doubt a city, though in one important respect it was incomplete; it had no council. I do not see, however, that this deficiency has of necessity any bearing on the other elements of its constitution, its magistrates and its people. In a normal Greek city no *ψήφισμα* was valid without a *προβούλευμα*, but

<sup>1</sup> This article is in substance a paper read at the Fifth Papyrological Congress at Oxford, 1937.

the magistrates and people of Alexandria could pass *ψηφίσματα*, as Claudius' letter shows (Bell, *Jews and Christians in Egypt*, p. 23, l. 20). Even therefore if, as I believe, a *προβούλευμα* was necessary in a normal city before the election of magistrates, in Alexandria it would not have been so. *Prima facie* then, since Alexandria was a city, had magistrates and people, and was capable of dispensing with a council in legislation, it would seem likely that, despite the absence of a council, its magistrates were, according to the universal practice, elected by its people. Direct evidence on this point is scanty, but it does not, I think, contradict my hypothesis. Claudius in his letter to the Alexandrians treats the question of the civic magistrates as a domestic concern of the city (p. 24, l. 62, *ὑπὲρ δὲ τοῦ τὰς πολειτικὰς ἀρχὰς τριετὶς εἶναι καὶ πάνν ἐμοὶ καλῶς βεβουλευσθαι δοκεῖται*, i.e. *δοκεῖτε*). These words, I think, rule out the possibility that the magistrates were nominated by the imperial government. His allusion in the next few words to the examination which magistrates had to undergo on giving up office—*ὁ γὰρ <ἄρ>χοντες φάβωι τοῦ δώσειν εὐθύνας ὧν κακῶς ἤρξαν μετριώτεροι ἡμεῖν προσενεκθήσονται τὸν ἐν ταῖς ἀρχαῖς χρόνον*—more definitely suggests popular election; this *εὐθύνη* was part and parcel of the democratic system of the magistracy. Claudius' words are perhaps compatible with selection by lot. But this would be most unusual at this date, and the emperor's decision *τοὺς δὲ νεοκόρους τοῦ ἐν Ἀλεξανδρείᾳ ναοῦ ὃς ἐστὶν τοῦ Θεοῦ Σεβαστοῦ κληροτοὺς εἶναι βούλομε καθὰ καὶ ὁ ἐν Κανόπῳ τοῦ αὐτοῦ Θεοῦ Σεβαστοῦ κληροῦνται* (p. 24, l. 60) carries the implication that this method was not the normal procedure.

More impressive to my mind than these passages is the general tone of the 'Acts of the Pagan Martyrs'. In these documents the magistrates of Alexandria—the gymnasiarch in particular—are portrayed as popular champions, the representatives of the city in its struggle against Roman tyranny. It does not seem very likely to me that men of the stamp of Lampon and Isidore were nominated to their posts by the government which they so bitterly attacked, and their prestige as popular heroes is more understandable if they were the elected representatives of the people.

I now proceed to the metropoleis of Egypt. We find in each of them from the early years of the Roman occupation a body of magistrates (*ἄρχοντες*), in externals analogous to those of Alexandria. The resemblance is, I think, too close to be accidental. We find both in Alexandria and in the metropoleis the same series of posts. The majority of them are, it is true, common to the Hellenistic world, but this particular selection is peculiar, and most peculiar—to my knowledge confined to Egypt—is the title of the head of the board, *ἐξηγητής*. The additional title of *ἀρχιπρύτανις* which is once given (at the City of the Arsinoites, P. Tebt., 397) to the *ἐξηγητής* is also suggestive. It implies that the proper designation of the metropolitan magistrates, normally given the vague style of *ἄρχοντες*, was *πρυτάνεις*, and we know from other documents (P. Oxy., 477, P. Tebt., 317) that the *ἐξηγητής* of Alexandria stood at the head of a body of *πρυτάνεις*. These facts suggest that Augustus (under whom the metropolitan magistrates first appear; the earliest datable metropolitan *ἐξηγητής* occurs in 5–4 B.C. in P. Oslo., 26) introduced into each metropolis a board of magistrates modelled on that of Alexandria.

Were these magistrates, as I take those of Alexandria to have been, popularly elected? An objection fatal to this hypothesis would be that in the metropoleis there was no *δῆμος* to elect them. To this I reply that a document of the reign of Antoninus Pius (P. Oxy., 473) records a decree passed by the *ἄρχοντες* and *δῆμος* of Oxyrhynchus. The document is clearly official and implies the official existence of a *δῆμος*; the association with the *δῆμος* in this decree of *Ῥωμαίων καὶ Ἀλεξανδρέων οἱ παρεπιδημοῦντες* is, I may note, no derogation of the authority of the *δῆμος*; in many decrees of Greek cities 'the resident Romans' are coupled with the 'people'.



Of whom did this δῆμος consist? I am inclined, in company with other scholars, to connect its creation with the registration of οἱ ἀπὸ μητροπόλεως and οἱ ἀπὸ γυμνασίου, which seems to have been instituted in the reign of Augustus, probably in A.D. 4–5 (Van Groningen, *Le Gymnasiarque des métropoles de l'Égypte romaine*, pp. 39–40). The creation of two grades of quasi-citizens in the metropoleis seems again to have been inspired by the example of Alexandria. There were, we know, in the reign of Augustus two grades of Alexandrian citizens, those who were simply Ἀλεξανδρεῖς and the more select body who were enrolled in the tribes and demes (Schubart, *Archiv* 5, 81 ff.). What were the privileges of this more select class is an obscure question, but it has been suggested that they alone possessed the *ius suffragii*, or perhaps the *ius honorum*. In the metropoleis the *ius honorum* at any rate seems to have been confined to the corresponding class of οἱ ἀπὸ γυμνασίου. The analogy between the two is perhaps closer yet. In the metropoleis the distinguishing mark of οἱ ἀπὸ γυμνασίου was the right, which was hereditary, to become members, through the ἐφηβία, of the gymnasium. In Alexandria the ἐφηβία seems to have been the avenue to the possession of full citizenship. I may cite Claudius' letter once more (p. 24, l. 53): ἅσαι τοῖς ἐφηβευκώσιν ἄχρει τῆς ἐμῆς ἡγεμονείας βαίβαιον διαφυλάσσω τὴν Ἀλεξανδρέων πολιτείαν ἐπὶ τοῖς τῆς πόλεως τειμείοις καὶ φιλανθρώποις πᾶσι. This sentence seems implicitly to distinguish a citizenship 'with all privileges and concessions' from ordinary citizenship, and implies that access to the former was controlled by the ἐφηβία.

To return to my theme, my suggestion is that Augustus created in each metropolis a civic organization analogous to that in Alexandria. He instituted a body of magistrates and registered two bodies of quasi-citizens, a select group from which the magistrates were to be elected, and a larger body which had the right of electing them. It may reasonably be objected that this construction is entirely hypothetical. What positive evidence is there that the metropolitan magistrates were elected? Does the evidence which exists on the method of their appointment tally with this hypothesis? There is no direct evidence of popular election. But this is not surprising in view of the paucity of our documents and their relatively late date. On the other hand I hold that the procedure of appointing magistrates as depicted in the papyri is the vestigial remnant of what was once a popular election and cannot be explained otherwise.

In the election of magistrates, as in any normal electoral procedure, there were two stages, the proposal of candidates and the voting. But it is obvious that the second stage would become superfluous if in the first stage only so many candidates were proposed as there were places to fill; I need hardly remind my readers that to-day no vote is ever taken in the elections to many bodies, such as boards of directors or committees of societies, whose members are theoretically elected by popular vote. The cities of the Roman Empire seem early—though how early it is difficult to say—to have reached this stage in the degeneracy of democratic institutions, and then to have passed to the second, when it became difficult to find enough candidates to fill the places. In the Latin West things had, it seems, already come to this pass when Domitian's chancery framed the constitution of the *municipium Malacitanum*. For in that document (Dessau, 6089) it is specified that should an insufficient number of candidates make their *professio* to the magistrate holding the *comitia*, the said magistrate should post up the names of so many persons as are required to fill the vacancies, and that these persons may in their turn nominate each one other, and these again each one other, and that all persons so nominated should be deemed to have made their *professio*. This elaborate procedure, which was probably intended not so much to maintain the vitality of the elections by presenting a choice to the electorate as to prevent unfair discrimination by the presiding magistrate in his selection of candidates, does not seem to have had a very long

life even in the west, and there is no evidence that it was ever applied in the east. But some procedure similar in essentials must have been applied universally. The essential point is of course that, if candidates failed to come forward voluntarily, persons might be nominated as candidates against their will. Many legal texts which speak of immunity from *honores* prove that candidature for office was already frequently, if not normally, compulsory by the middle of the second century A.D.

The popular election of magistrates had thus by this period come down to securing a sufficient number of candidates, by voluntary offers if possible, otherwise by moral suasion, in the last resort by nomination (I use this term in its technical Latin sense). The first stage in the electoral procedure, the proposal of names, had, that is to say, become the essential part. There might follow a vote of the people, approving the list submitted to them, but this was a pure formality. It is interesting to note, however, that as late as A.D. 326 'populi quoque suffragiis nominatio in Africa ex consuetudine celebratur' (*Cod. Theod.*, XII, v. 1); forms die hard.

The legal texts unfortunately do not give any clue to the development of the procedure of nominations; they date from the third century at the earliest and depict the system in its complete form. And they present but a fragmentary picture even of the developed system. It will be as well, however, to summarize the information they give. It appears from them that nominations were normally made at a session of the council—this point, I think, confirms my hypothesis about early electoral procedure made at the beginning of this paper. For the early third century I may quote Ulpian, who says (*Dig.*, XLIX, iv, 1, §§ 3–4) 'solent plerumque praesides remittere ad ordinem nominatim ut Gaium Seium creent magistratum . . . sed et si praeses in ordine fuerit, ut fieri adsolet, cum ab ordine crearetur quis . . .'. I may say in passing that I question the constitutional accuracy of Ulpian's language; in effect the council did elect, but in law, I think, it drew up a list of candidates. The reason why it was important that nominations should be made in council is implied by Diocletian to have been to secure them due publicity; *Cod. Just.*, x, xxxii, 2, 'Observare magistratus oportebit ut decurionibus solemniter in curiam convocatis nominationem ad certa munera faciant eamque statim in notitiam eius qui fuerit nominatus per officialem publicum perferre curent'—it may be noted that Diocletian's use of constitutional terms is more exact than Ulpian's. This point is made more explicit by a later constitution: *Cod. Theod.*, XI, xxx, 53, 'Libellis vel edictis factae citra consilium publicum non valeant nominationes'.

It is assumed throughout the texts that nomination (in the strict sense) was universal; every magistrate, even if he had consented to hold office, had his nominator behind him. A person nominated was deemed to assent to his nomination, unless he entered a legal appeal within the statutory period, and was obliged to serve unless he could prove legal exemption or at any rate satisfy the governor that he had been unfairly selected. On the other hand, the nominator took a risk in proposing a name, for he was held surety for his nominee, whether the latter assented or not. In these circumstances it is obvious that no one would nominate who had not a pressing motive for doing so, and in some cases it seems to have been difficult to secure nominations; Ulpian (*Dig.*, *loc. cit.*) records that not infrequently the governor had to intervene, himself naming a particular person for a given office. The legal texts do not make it clear whether any one had an obligation to nominate. The constitution of Diocletian cited above seems to imply that *magistratus* had to nominate to *munera*, and a constitution of Gordian (*Cod. Just.*, x, xlvii, 1) suggests that this was the regular practice at an earlier date. Magistrates seem as a rule to have been nominated by their predecessors (*Cod. Just.*, XI, xxxiv, 1 and 2).

The papyri relating to the appointment of magistrates seem to me to reveal a stage in the

development of this system. The procedure revealed in these documents is, I need hardly emphasize, radically different from that employed in filling liturgic posts in the public service. With magistrates there is *εἰσδοσις* by a *γραμματεὺς*, no *κλήρωσις* by the *ἐπιστράτηγος*. The terminology implies voluntary candidature. A gymnasiarch at Oxyrhynchus under Antoninus Pius (P. Oxy., 473) received a vote of thanks for his *ἐκουσία γυμνασιαρχία*. Such a genuinely voluntary, or perhaps rather spontaneous, candidature was clearly by then a rarity. Candidates are stated to promise to hold office: I may cite P.S.I., 1159, *ἀνθ' ἧς ὑπέσχετο ὁ αὐτὸς Ἡρακλείδης γυμνασιαρχίας*, and P. Ryl., 77, where the magistrates state in their letter that Achilles *ὑπέσχετο . . . ἐξηγητεύσειν*. Other verbs used in this document are *πείθειν*, *προτρέπεσθαι* of the proposer, *πείθεσθαι*, *ἀνα-* or *ἐπιδέχεσθαι* of the candidate. These are untechnical. A technical term obviously misused is *χειροτονεῖν ἑαυτόν* (of the candidate). A technical term of great significance, correctly used, is *προβάλλεσθαι* (of the proposer), *προβάλλεσθαι ἑαυτόν* of the candidate.

The actual procedure we see on one occasion only, the famous Achilles case of P. Ryl., 77. This document will be familiar to all students of the subject, and I need only emphasize the points that are significant for my purpose. The two gymnasiarchs and the exegete, as representing the board of magistrates—this is clear from the letter which they later sign in the name of the *ἄρχοντες*—appear with an advocate and Achilles at the *βῆμα* of the *strategus*. They are apparently under the impression that Achilles is willing to stand as cosmète, for the crowd (*οἱ παρεστώτες ἀπὸ τῆς πόλεως*) have been told to shout: *στεφέσθω Ἀχιλλεὺς κοσμητεῖαν· μίμου τὸν πατέρα τὸν φιλότιμον γέροντα φῶτα*. I am inclined to agree with those who see in this acclamation a vestigial remnant of popular election. The words used are it is true not quite appropriate to election by acclamation; while the first phrase is what one would expect, since it expresses popular confirmation of a candidate proposed, the second phrase on the other hand seems to urge Achilles to become a candidate. Nevertheless it seems improbable that the shouts of the crowd would be put on record unless they had some constitutional significance, though by this time, it is plain, their original significance had been half forgotten. The first half of the acclamation is the stereotyped constitutional form; the second expresses the present-day reality.

What would have happened next in the normal course—if Achilles had been willing—it is difficult to say. He might have formally announced his candidature—though this seems to have been taken for granted—or he might by silence have expressed his consent. At all events the object of these proceedings before the *strategus* seems to have been to give publicity to the candidature: this is implied in the phrase used in the magistrates' letter to the *strategus*—*ὑπέσχετο ἐπὶ σοῦ ἐξηγητεύσειν*—and by the *strategus*' sole contribution to the proceedings—to order a minute to be taken. In a normal city the necessary publicity would have been secured by holding the proceedings in the city council, as was later done in Egypt also, when the metropoleis acquired councils.

In actual fact Achilles upset the normal procedure by refusing the office of cosmète and offering himself for that of exegete. A confused situation now arose. The advocate of the magistrates persists in alleging that Achilles had already accepted the office of cosmète—this acceptance, perhaps genuine, would being informal have no legal validity—and that if he now offers himself for that of exegete he may take both, but he ought not to shirk the greater office for the lesser. These protests do not shake Achilles. The cosmètes are then produced and declare that Achilles' candidature for the *ἐξηγητεία* is, for reasons into which I need not enter, illegal. Every one is clearly anxious to harry Achilles into undertaking the *κοσμητεία*, but since Achilles is stubborn no progress is made by mere protests. And no one is willing to undertake the risk of nominating Achilles formally, since this involves

standing as guarantor. At length Aspidas, who is described as the father of Hermes, former cosmete, pronounces the fatal words *ἰδίῳ κινδύνῳ στέφω Ἀχιλλέα τὴν κοσμητείαν*. The advocate seizes on his words: *ἔχομεν δὴ φωνὴν τοῦ Ἀσπιδᾶ ὅτι ἰδίῳ κινδύνῳ αὐτὸν στέφει. καὶ ὀφείλει στεφῆναι, ἥδη γὰρ ἡ ἀρχὴ ἀδιάπτωτός ἐστι τῇ πόλει*. The *strategus* closes the proceedings by ordering a minute to be taken of the statement.

The *strategus* had apparently yet further functions to fulfil. At a later date the magistrates wrote to him, giving a summary of the above proceedings and ending: *ἐπιστέλλεται σοι ὅπως ἀκόλουθα τοῖς ἐπὶ σοῦ γενομένοις προνοήσαι πράξαι εἰς τὸ τὴν πόλιν ἀπολαβεῖν τὴν ἀρχήν*. It apparently rested with the *strategus* to enforce the fulfilment of the engagements made in his presence.

I have, I hope, made it probable that the procedure in Achilles' case was, apart from the modifications necessitated by the lack of a city council in the Egyptian metropoleis, the normal procedure for securing candidates for election to magistracies, as followed generally in the cities of the empire. I would now wish to point out the contributions made by the Achilles document to our very imperfect knowledge of the normal procedure. It appears in the first place that it was open to any citizen to make a nomination. Aspidas in this case has no official standing in the matter, not being a magistrate or even ex-magistrate. It has, however, been plausibly argued that he had a good motive, in that his son, for whom he was, according to the rules of Roman law, automatically guarantor, though *κοσμητεύσας* was probably still a member of the *κοινὸν τῶν κοσμητῶν* and therefore still had financial obligations in respect of that magistracy. By adding a member to the *κοινόν* Aspidas would presumably lighten his son's burdens and perhaps hasten his release. It seems to me likely that it was on such motives that the government relied to make the machinery of nomination work. Technically it was open to any citizen to nominate a candidate for a magistracy. Actually the only persons who would face the *κίνδυνος* of a nomination were those who wished to secure their own release from a magistracy. Hence the general practice, later crystallized, it would seem, into a rule, that each magistrate nominated his successor.

A second point of some interest is that at the end of the second century nomination seems only to have been employed as a last resort. If a candidate could be induced to declare himself willing to stand without being formally nominated, so much the better: the *κίνδυνος* was his alone and no nominator was involved. Later it would seem that a candidate was invariably nominated, and even if he assented to his nomination, his nominator was none the less responsible for him.

A third point is suggested by the phrase *τῆς ἀρχῆς τῇ πόλει ἀδιαπτώτου οὔσης ἐξ ὁποτέρου αὐτῶν* used in the magistrates' letter. This may mean no more than that if Achilles' resources were inadequate for discharging his obligations to the city in virtue of his office, they would be supplemented by those of his nominator, Aspidas. But they may allude to the practice of *cessio bonorum*. I hope I may be forgiven if I do not go into that highly controversial subject. It will suffice to say that various documents of the third century (CPR, 20, P. Oxy., 1405, 1642, BGU, 473) allude to the application of this procedure to nominations to magistracies and liturgies. A nominee might apparently, anticipating that his assets would not cover his liabilities, execute a *cessio bonorum* in favour of his nominator, thereby securing himself against the *infamia* and bodily restraint which were the lot of an insolvent debtor. What little we know of this practice is derived almost entirely from the papyri, and it is a good example of the contribution which they make to our knowledge of the constitutional practices of the empire at large. For there is no reason to believe that the practice was confined to Egypt. The reason why the legal sources do not treat it is that it was by Justinian's day

illegal. A constitution of Diocletian (*Cod. Just.*, vii, lxxi, 5) declares: 'Propter honorem municipalem vel munus bonis cedentium invidiosam admitti cessionem minime convenit, sed his obnoxios pro modo substantiae fungi.'

In conclusion I wish to say a few words about the third century. Procedure has now been normalized by the institution of *βουλαί* in the metropoleis. Nominations thus take place no longer before the *strategus*, but, as in the rest of the empire, at a session of the council. The enforcement of candidatures seems likewise to have been transferred from the *strategus* to the *πρύτανις*, acting on behalf of the council: this, I think, appears from CPR, 20, where Aurelius Hermophilos writes to the *πρύτανις* of Hermopolis, protesting against the use of *βία* to enforce the office of cosmète on his son after he had effected a *cessio bonorum*.<sup>1</sup> Documents of this period often speak of election by the council—such phrases as *αἵρεθεὶς ὑπὸ τῆς κρατίστης βουλῆς* are common—and as noted above contemporary legal authorities, Ulpian for instance, speak of *creatio* by the *ordo decurionum*. The actual procedure hardly justifies these terms. We see nominations being made in council, and the council is apparently responsible for the enforcement of these nominations, and in the last resort liable for any default by the nominees. The evidence in fact suggests that elections were not transferred from the people to the council by any formal act, but that the election proper (*χειροτονία*) died out, and the preliminary procedure in the council (*προβολή*) alone survived.

On the procedure of nomination the papyri give some interesting information. The *πρύτανις*, as appears explicitly from P. Oxy., 1252 v., and implicitly from the minutes of council meetings (P. Oxy., 1413–15), is responsible for nominations being made but does not, normally at any rate, himself make nominations. The function of the *magistratus* in normal cities was probably analogous. He demands nominations for the regular magistracies from the respective *κοινά*: the rule that a magistrate nominates his successors is thus firmly established. From P. Oxy., 1642, it appears that this method of nomination, technically called *ἀντονομασία*, was legally obligatory for certain magistracies. It was applied by the prefect to the recently revived *ἀγορανομία* (διὰ τὸ ἐξ ἀντονομασίας συνίστασθαι ταύτην τὴν ἀρχήν, . . . κελεύσαντος τοὺς πληρώσαντας ὀνομάζειν αὐθ' ἑαυτῶν, . . . ἐν τῇ ὀνομασίᾳ τῇ ὑπ' ἐμοῦ γενομένη . . . εἰς τὴν αὐτ' ἐμοῦ ἀγορανομίαν). Nominations to extraordinary posts and apparently to membership of the council are made by a *φυλή*. In P. Oxy., 1415, the *πρύτανις* says: ἀναπλη[ροῦτε τὸ λειτουργήμα, δότε [. . . ὃν] ομάσασθε ὃ[ν] βούλεσθαι, and the reply comes from οἱ ἀπὸ τῆς . . ., and later in the same nomination the councillors say: οὐκ ἀντιλέγει τῇ φυλῇ ὁ Πτολεμα[ίος]. Again in P. Oxy., 1413, when the *πρύτανις* says: καὶ αἱ ἄλλαι ἀρχαὶ ὀνομασάτωσαν· ὀνομάσατε δὲ καὶ βουλευτάς, the reply (to the latter appeal evidently) comes from οἱ ἀπὸ τῆς τρίτης φυλῆς. Here again, as it seems to me, the papyri provide evidence of a widespread constitutional practice of which we know little from other sources. The practice must have been confined to the east, for the *ordo* of a city organized on the Roman model had no divisions corresponding to *φυλαί*. But there is no reason to think that it was confined to Egypt. This is indeed *a priori* highly improbable, for it would imply that Septimius Severus invented it out of his own head: it is far more likely that it was part of the normal organization of a Greek *βουλή*, introduced with the *βουλή* itself into Egypt. And there are faint signs of its existence elsewhere. An inscription of Laodicea of Phrygia (*Ath. Mitt.*, 1891, p. 146, τῆς βουλῆς τῇ φυλῇ Ἀπολλωνίδι) shows that the *βουλαί* of Greek cities were still under the empire divided into

<sup>1</sup> Cf. the words of the syndic in P. Oxy., 1413, ἵνα προτραπῶσιν καὶ ἄρχωσιν οἱ ὀνομαζόμενοι τὸ πρωτενίαυτον τῆς λειτουργησίας . . . But the ultimate sanction apparently lay with the provincial governor: *Dig.*, I, iv, 9, 'si quis magistratus in municipio creatus munere iniuncto fungi detrectet, per praesides munus agnoscere cogendus est remediis quibus tutores quoque solent cogi ad munus quod iniunctum est agnoscendum.' Nominations in the last resort were similarly made on the order of the governor. Cf. *Dig.*, XLIX, iv, 1, § 3, 4, and P. Oxy., 1252 v., 1642.

*φυλαί*. Another inscription from Arabia (*IGR*, III, 1277), recording the repair by a city of an aqueduct, *ἐπισκοπούντων βουλευτῶν φυλῆς Βιταιηνῶν*, shows that this division by *φυλαί* was used in apportioning administrative duties. Finally an inscription from Mylasa (Le Bas-Wadd., 407), *[ἀξι]ωθεὶς ὑπὸ τῆς φυλῆς ὑπέμεινεν γυμνασίαρχος*, shows that at Mylasa the tribes of the city nominated to magistracies.

The object of the system is plain. It was a simple mechanical device for avoiding the iteration of offices by the same persons in successive years; for since the several tribes served for a period, probably a year, in rotation, their members would only be liable to office at intervals of as many years (or other periods) as there were tribes. It is strange that no hint of so useful and to all appearances so common a system should appear in the legal texts; the explanation is perhaps that it was exclusively eastern while the lawyers are more familiar with western forms, perhaps that it was obsolete by the time that Justinian's compilers constructed the Digest and the Code. It is a good example of the contribution which the papyri have to make to our knowledge of imperial administrative law outside Egypt.



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A Silver Find from South-West Asia Minor

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## A SILVER FIND FROM SOUTH-WEST ASIA MINOR

By P. JACOBSTHAL AND A. H. M. JONES

(Plates IV, V)

The objects published here with the kind permission of Dr. Jacob Hirsch<sup>1</sup> are said to have been found at 'Seki Bazar between Makli and Elmali': the place is probably to be identified with the village Sekia, shown on the map in O. Benndorf and G. Niemann, *Reisen im südwestlichen Kleinasien* i, four miles north of the site of Oinoanda. Sekia lies about half-way along the road between Makri (Makli is unknown and is probably a mispronunciation of Makri) and Elmali. The internal evidence of the inscriptions confirms that the find must come from somewhere in SW Asia Minor. The find consists of two inscribed plaques with busts and fragments of a wreath. We first describe the objects, then comment on the inscriptions, and finally discuss the problems which arise from a study of them.

### I. THE OBJECTS

#### 1. *The Zeus plaque*

The plaque (pl. iv) has a diameter of 15.3–15.8 cm. and the relief has a maximum height of about 6 cm. The present weight is 418.67 gr. The head is embossed out of a silver sheet of medium thickness, a technique similar to that of the Hellenistic silver emblema from Miletopolis in Berlin<sup>2</sup> and of the *phalerae* from Lauersfort.<sup>3</sup> The silver, as well as the pendant, is covered with a greyish-black patina: in the deep shadows it has a brownish colour. Near the rim, above the left-hand inscription, a lump of bronze sticks

<sup>1</sup> I saw these treasures first in 1930 at Geneva: Dr. Jacob Hirsch very kindly sent the originals to Marburg, where I could study and photograph them with the assistance of Dr. E. Neuffer, and later again to Oxford. I formed an idea of their nature and importance and read the inscriptions with the exception of C and D, but I soon realized that for the solution of the problem of the era and for other questions concerning the history of SW Asia Minor in Roman times I must depend on collaboration with experts. I found them in Oxford: Professor J. G. C. Anderson and Dr. W. H. Buckler helped me, and then Mr. A. H. M. Jones, who has made a special study of this region,

was kind enough to write the paper with me. For advice and suggestions we are indebted to Professor R. Delbrueck, Professor G. Klaffenbach, Dr. B. D. Meritt, Dr. A. Raubitschek, Professor Louis Robert, and Professor R. Zahn; for squeezes and observations to Dr. J. Hirsch, to Miss Christine Alexander, and Miss Gisela M. A. Richter. Professor J. D. Beazley has read and improved the manuscript. P.J.

<sup>2</sup> H. Winnefeld 'Hellenistische Silberreliefs im Antiquarium des königl. Museen' *Winckelmannsprogramm d. arch. Gesellschaft zu Berlin*, 68, 1908, pl. 1.

<sup>3</sup> F. Matz, 'Die Lauersforter Phalerae' *Winckelmannsprogramm* 92, 1932.



to the plaque. No trace of gilding is left. A large piece of the top of the head has broken away. The rim, 0.7 cm. broad and much thicker than the plaque itself, has an elaborate profile which compares well with the works just mentioned. It is attached to the obverse of the plaque by two pairs of silver rivets, one of



FIG. 1. THE ZEUS PLAQUE FROM THE BACK. c. 4

the round heads of which is lost : on the back they have washers. At some places where the plaque is out of plumb there is now a gap between it and the rim. The rivets also hold a silver leaf-shaped attachment on the reverse (fig. 1) : the leaves are hammered sideways into two vertically perforated tongues, those on the left being level with the plaque, the others at an obtuse angle—the latter hardly their original position. Their purpose will be discussed presently. R. Zahn refers to Marshall, *Catalogue of Jewellery in the British Museum*, no. 2737, pl. 60, and says that on *phalerae* (parts of horse-trappings) in Berlin similar leaves have been used for a repair.

The compact bust is crowded into the circle, the skull even extending beyond the frame : in that respect it resembles *imagines*

*clipectae*.<sup>4</sup> A muscular neck supports the head, which is broad and heavy. It almost imperceptibly deviates from the vertical, drooping towards its right and looking to its left, the slightly opened mouth being noticeably aslant. The forehead is divided by a shallow horizontal furrow and two converging wrinkles rise where brows and nose meet. The outline of the eyeballs is engraved and the pupil, eccentrically placed, is hollowed out. The god wears a wreath with a notched stalk or string (see below, p. 20). Only the profile-view (pl. iv, 2) reveals what is hidden as long as one looks at the tondo from the front—that the head is just a façade and that the artist was at a loss to bridge it with the background: behind the framing curls he bungles, the planes here corresponding ill to the natural shape of a skull; the weakest spot is behind the ears or, more correctly speaking, where the ears ought to be shown. It seems as if the artist Gaios had a good model, probably some emblema, for the front-view, and improvised the rest.

The *chiton* on the upper arm has a punched pattern. The curve of the shoulders slopes too rapidly downwards and gives the impression that the god had no arms.

As treatment of hair, beard, and forehead show, Gaios took his inspiration from the Otricoli-type.<sup>5</sup> His Zeus is elaborate, but somewhat dull and frozen: whence he came to be employed and paid by the Myangleis cannot be said.

## 2. The Ares plaque

The diameter of the plaque (pl. v) itself is about 11 cm.; the periphery is not a correct circle. The maximum height of the relief is 2.8 cm. The present weight (including the rim) is 128.95 gr. On the plaque is an engraved line, slightly eccentric, marking the inner contour of the rim, which was loose and has recently been re-attached; it has an external diameter of 11.8–12 cm.; here again the silver is thicker than that used for the plaque. Dr. Hirsch says that 'it looks as if the rim on the back, at the middle of the upper edge, once had a fastener which has been taken or broken off'. As can be seen on Plate v, 1, the bust has broken loose from its background at various places along its outline, the neck has a horizontal fracture and the face is

<sup>4</sup> Bolten, *Die Imago clipeata* (Studien zur Gesch. und Kultur des Altertums xxi, 1937, 1); O. Deubner, *Mitt. des Deutschen Arch. Inst.* 62, 1937, 79.

<sup>5</sup> G. Lippold, *Die Skulpturen des Vatikanischen Museums* iii, 1, 110. The head from Pompeii in Naples: G. Ruesch, *Guida* 296; Brunn-Bruckmann 574. Copenhagen:

F. Poulsen, *Ny-Carlsberg Glyptotek, Antike Skulpturen* no. 520, Billedtavler xxxix. Statue in the Vatican: W. Amelung, *Skulpturen des Vatikanischen Museums* ii, no. 326, pl. 73. Bronze statuette from Hungary in the British Museum, no. 909: O. Rayet, *Monuments de l'art antique* pl. 43.

dented. Modern restoration has caused some damage to the letters at the beginning of the lines of the right-hand inscription. Faint traces of gilding can be seen all over the plaque. The background, especially on the left, is covered with a bronze crust which could not be removed.

The head is turned to the right, but the sterno-mastoids of the very long and muscular neck are not affected. The iris is engraved. Although bad preservation and restoration make judgment on the original forms and style difficult, it is still clear that this plaque is inferior in quality to the other.

The projecting rim of the helmet has a wavy outline. The crown rests on a base which is shaped like a pediment, in the middle of which is a kind of rosette; the 'geisa' end sideways in a scroll. Round this part of the helmet are two twisted gold wires. A cross-hatched carrier supports a double-crest, the pointed lower ends of which run towards the background. On right and left of the crown is an upright feather, separately wrought and soldered into a hole; the feathers lack detail. The long cheek-pieces, covering the ears, are decorated with an engraved feather-like motive. The bust ends near the rim in a flat-convex curve; the atrophied arms are cut off straight. Ares wears a leather corslet. It consists of two layers, and at the neck and down the sleeves it is decorated with patterns, beaded and cross-hatched. The shoulder-flaps show an upright S-spiral and below it a band, of triangles on the right, of lozenges on the left. The rim cuts off the dagger, the pommel of which consists of three bosses, the handle being hatched; no sword-frog is represented; from the right shoulder a sash hangs loosely down and falls with its fringes over the dagger.

The type of helmet has the following parallels: (1) The helmet worn by the giant in the Artemis-slab of the Pergamene altar.<sup>6</sup> (2) A relief from Kadiköy (Istanbul),<sup>7</sup> the inscription of which suggests a date in the first century B.C. or the early first century A.D.; the cuirass represented there also compares well with that of Ares. (3) The helmet in relief on a shield, decorating a pediment of the west stoa of the Trajaneum at Pergamon.<sup>8</sup>

The treatment of the arm-stumps occurs in marble busts from Trajan onwards.<sup>9</sup> But it already appears on a small bronze bust of Domitian,<sup>10</sup> to which Professor Beazley draws attention. And on gems it is common from the third century B.C. onwards.<sup>11</sup>

<sup>6</sup> *Altertümer von Pergamon* iii, 2, text, p. 43, fig. 6.

<sup>7</sup> *Arch. Anzeiger* 46, 1931, 183 f. (fig. 9), 194.

<sup>8</sup> *Altertümer von Pergamon* v, 2, pl. 24, text p. 48.

<sup>9</sup> Bienkowski, *Rev. arch.* 1895, ii, 293.

<sup>10</sup> *Die Antike* 12, 1936, 279, fig. 6.

<sup>11</sup> Furtwängler, *Die antiken Gemmen* pl. 32, 16: Ptolemaios Philadelphos (see Pfuhl, *Jahrbuch d. Arch. Inst.* 45, 1930, 32); pl. 61, 57 (Lippold, *Gemmen und Kameen* pl. 74, 8): Parthian king of the second century B.C. (Lippold wrongly:

Thus it is of no chronological value and cannot be used as an argument against the two eras suggested below.

### 3. *The Wreath*

The silver is of medium thickness ; no traces of gilding are to be seen. The weight of the fragments is 108.86 gr. There have been preserved (1) three pieces, *a-c* (pl. v, 2), and (2) two tiny crushed fragments (of *c*) which we do not figure. Length (with templet) : (*a*) 19 cm., (*b*) 18.5 cm., (*c*) 6 cm. Diameter : (*a*) and (*b*) 1.5 cm., (*c*) 2 cm. (at end), 2.3 cm. (of lid). The technique is as follows. The silver sheet, bearing embossed decoration on the visible side only, was bent into a cylinder the edges of which overlap and are soldered together. (*a*) and (*b*) are broken into two parts which do not exactly join ; round the fracture several holes had been bored for an ancient repair, and some but not all of them had been used for the coarse mending with a piece of thick silver wire. The straight-cut ends are ancient. The fragments more or less preserve the original curve. (*a*) and (*b*) certainly belong to the same wreath. (*c*) differs in shape and decoration ; on the front it bears bay-leaves and berries, stylized as on (*a*) and (*b*) ; they are framed and set off from the plain back by a rope-pattern<sup>12</sup> ; on the reverse it also runs horizontally under the plain end-piece of the open tube on to which a fluted lid fits. (*c*), despite slight variants in the ornamentation, is quite possibly one of the terminals of the same wreath : the Roman gold necklaces in the British Museum, mentioned above, have similar devices.<sup>13</sup>

The bay-wreath worn by Zeus consists of groups of three leaves, very lively in modelling, growing at intervals on a twisted stalk : there are no berries. On the fragments of the wreath just described the groups are separated from one another by a band loosely wound round. The leaves here have also a plastic median rib, but it is dotted. Large globular berries on waving stalks grow out of the gaps between the central and the lateral leaves.<sup>14</sup>

Shapur I) ; and numerous gems of late Hellenistic and early Imperial date : pl. 38, 34, 36, 38 ; pl. 40, 13, 14 ; pl. 49, 31 (Lippold pl. 17, 5) ; pl. 51, 16 (Lippold pl. 20, 2). On the coins of the Ptolemies, Seleucids, kings of Bactria from the second century B.C. onwards, a type of shoulder-bust appears which foreshadows the later shape of bust with arm-stumps ; see Svoronos, *Τὰ νομίσματα τοῦ κράτους τῶν Πτολεμαίων* iii, pl. 28, 30, 36, 37 for Egypt, *Cat. Naville* x, pl. 45, 47 for Syria, and *British Museum Cat. of Indian Coins. Greek and Scythian kings* pl. 2, 4, 5 for Bactria, etc. The problem deserves study.

<sup>12</sup> On the part it plays in Greek and Roman decoration see Studniczka, *Tropaeum Trajani* 75 ff.

<sup>13</sup> Marshall, *Catalogue of Jewellery, Greek, Etruscan, and Roman, in the British Museum* nos. 2736, 2736\*, 2737, pl. lx.

<sup>14</sup> Representations of natural laurel-trees and twigs : sides of the Caffarelli sarcophagus, *Winckelmannsprogramm* 83, 1925, pl. 3. Silver cup from Hildesheim, Pernice, *Der Hildesheimer Silberfund*, pl. 9. Silver cup from Boscoreale, *Monuments de la Fondation Piot* 5, pl. 17. All three are Augustan. Stylized laurel wreaths : two sarcophagi, *Winckelmannsprogramm* 83, 1925, figs. 8 and 10 (Augustan). Sepulchral altars : Altmann, *Römische Grabaltäre* figs. 39 and 62 (Claudian). Later Roman examples are the bronze diadem in Berlin, our fig. 2 ; the wreath of the Archigallus in the Conservatori (see p. 21) ; that of the priest

#### 4. *The Purpose of the Two Medallions and the Wreath*

Analogies for round, framed plaques with relief-busts of gods may be found in the *dona militaria*, known from representations on Roman reliefs and from the set of silver originals from Lauersfort in Berlin,<sup>15</sup> but only formally, for, apart from the difference in size, our plaques, as the inscriptions tell, served sacred purposes. There is ample literary and monumental evidence for tondi with busts of gods forming part of the costume of



FIG. 2. GILDED BRONZE DIADEM IN THE ANTIQUARIUM, BERLIN. *c.*  $\frac{1}{4}$ .  
From 'Archäologischer Anzeiger', vii, 1892, 111.

priests. Suetonius, *Domitianus* 4, describes the wreaths worn by the emperor and the priests at the Capitoline games: 'certamini praesedit . . . capite gestans coronam auream cum effigie Iovis ac Iunonis Minervaeque, adsidentibus Diali sacerdote et collegio Flaviali pari habitu, nisi quod illorum coronis inerat et ipsius imago.' The Archigallus in the Conservatori<sup>16</sup> and the priest of Bellona on the relief in Rome (Biblioteca Vallicelliana),<sup>17</sup> wear round the head a wreath decked with three medallions of deities, either frontal or in profile. And there is in the Berlin museum a diadem of this type,<sup>18</sup> of gilded bronze, 46 cm. long, 4.5 cm. broad, with frontal busts of Kybele and Attis on round plaques set on a bay-wreath (fig. 2). These wreaths with busts of gods on medallions carry on a Hellenistic fashion. Alexander, as priest of Virtue, wore a gold wreath with the image of Arete in the middle (Athenaeus 5, 211b, c).<sup>19</sup> And there is a late Hellenistic bust of a

from Ephesus, *Oest. Jahreshefte* 2, 1899, pl. 8, figs. 131, 132, and others. On the laurel staff or wreath in pre-Roman times see A. Rumpf, *Gnomon* 1939, 151; G. Matthies, *Die Pränestinischen Spiegel* 118. Interesting examples of flat-stylized laurel in embroidery on the garments at Nemrud-Dagh; Humann und Fuchstein, *Reisen in Kleinasien und Nordsyrien* pl. 35, 36, 39.

<sup>15</sup> P. Steiner, 'Dona militaria,' *Bonner Jahrbücher* 114, 1905; F. Matz, 'Die Lauersforter Phalerae,' *Winckelmannsprogramm* 92, 1932.

<sup>16</sup> Stuart Jones, *Catalogue of Sculptures* pl. 100, p. 254; A. B. Cook, *Zeus* ii, fig. 193; *Historia* vi, 1932, 229, fig. 6 (Calza).

<sup>17</sup> *BSRP* ix, 1920, 205 ff., pl. 26; drawing in Daremberg et Saglio, *Dictionnaire des Antiquités*, s.v. 'corona', fig. 1986, text p. 1523, note 57; for the inscription see *CIL* vi, 2233.

<sup>18</sup> *Arch. Anzeiger* 7, 1892, 111; Blinkenberg, *Archäologische Studien*, 109, fig. 42.

<sup>19</sup> Not included in Deubner's list in Roscher, *Lexikon d. griech. und röm. Mythologie* iii, 2127; P-W, s.v. 'Arete'.

priest with such a diadem in the Vatican.<sup>20</sup> Another priest wears on the breast the plaques with images of a god—the statue of an



FIG. 3. c.  $\frac{1}{3}$ .

From Montfaucon 'L'Antiquité expliquée,' i, pl. 4.

Archigallus, now disappeared, once published by Montfaucon in *L'Antiquité expliquée* i, pl. 4 (fig. 3).<sup>21</sup> Polybius seems to call these breast-plaques τύποι.<sup>22</sup> They occur in other cults of Asia

<sup>20</sup> Helbig-Amelung, no. 216; Amelung, *Skulpturen des Vatikans* no. 275; Arndt-Bruckmann, pl. 105, 106; Hekler, *Antike Porträts* pl. 124b; Hill, *Oest. Jahreshefte* 2, 1899, 246.

<sup>21</sup> Whence Blinkenberg, *Archaeologische*

*Studien* 113, fig. 43; A. B. Cook, *Zeus* ii, fig. 192; Reinach, *Répertoire de la statuaire* ii, 506, 6; J. Keil, *Oest. Jahreshefte* 18, 1915, 75; G. Calza, *Historia* vi, 1932, 227, fig. 5.

<sup>22</sup> Blinkenberg, *l.c.*, p. 112.

Minor: the bronze statuette of the Juppiter Heliopolitanus <sup>23</sup> wears a round plaque with a frame of Luna on the breast, and Antiochos I of Kommagene and one of his ancestors in the reliefs at Nemrud-Dagh <sup>24</sup> fasten their royal robes on breast or shoulder with a pair of such medallions.

Our medallions cannot have been set on a diadem: with a diameter of 15 and 11 cm. respectively they are far too large, and the obvious way to fasten such plaques on a diadem is by soldering or nailing, while the Zeus plaque has—and the Ares plaque probably also had—the devices described above suitable for fixing them to a loose chain or the like. They will have adorned the cult-statues of Zeus and Ares, or have formed part of the vestments of their priests, and may be a feature hinting at an un-Greek character of these gods and their rites.

## II. THE INSCRIPTIONS <sup>25</sup>

The letters are formed by punched lines, as is the normal practice in inscriptions on silver. The writing is more cursive on the Zeus plaque than on the other. Comparison with papyri does not provide a more precise date than that given by the eras. The character of the Ares inscription gives the impression of an earlier date.

The inscriptions on the Zeus plaque (pl. iv) present few difficulties of reading. They are as follows:—

|    |         |      |              |
|----|---------|------|--------------|
| A. | ἔτους   |      | ἰδί-         |
|    | ἑκα-    |      | ων           |
|    | τοστο-  | BUST | ἀπὸ δ-       |
|    | ῥ πέν'  |      | ηναρί-       |
|    | πένπτου |      | ων τρι-      |
|    | ἐπόησαν | OF   | ακοσίων      |
|    | Μυανγ-  |      | τριῶν σὺν    |
|    | λέων ὁ  |      | χειροπονί-   |
|    | δῆμο-   |      | οις καὶ πάσ- |
|    | ς ἑκ    | ZEUS | αις δαπά-    |
|    | τῶ-     |      | ναις' ἐπ-    |
|    | ν       |      | όησεν        |
|    |         |      | Γάιος.       |

and round the rim:—

B. παρήσαν Μένανδρος Σωπάτρου, Μηνᾶς Κιδιλείου, Μενεκλῆς Ἀπείμου,  
Μένανδρος β', Θήρων Ἀρμόστου

<sup>23</sup> de Ridder, *Collection de Clercq* iii, pl. 35, no. 218; A. B. Cook, *Zeus* ii, 574; H. Thiersch, *Ependytes and Ephod* (Geisteswissenschaftliche Forsch. 8), pl. 17, p. 78.

<sup>24</sup> Humann und Puchstein, *l.c.* pl. 39, and Thiersch, *l.c.* pl. 36, 4 and 42, 1.

<sup>25</sup> The text given here relies on readings by P. J. and Dr. Buckler, checked by Dr. Meritt and Dr. Raubitschek.

The T of πενπτον was begun as an ο and corrected ; similarly the T of τριῶν was begun as a σ. The second I of Κιδιλεου has been squeezed in later.

The inscriptions on the Ares plaque (pl. v, 1) are more difficult. The upper five lines on the left of the bust have apparently been erased and gilded over. The first two are read by Dr. Meritt as follows :—

C. Ἄρ[μ]οστος  
Ἄρ[έω]ς

The traces of letters in lines 3–5 defy reading.<sup>26</sup>

D. Below this is another inscription which is difficult to decipher : we reproduce what Dr. Meritt was able to make out on the original.

ΑΡΕΥCΑΡ  
ΜΟCΤΟΥ  
CCEΠICKΕV  
Η< I' /, /

He suggests Ἄρεϋς Ἀρμόστου ἐς ἐπισκευήν ἔδ[ωκεν]. An alternative would be to take < as the sign for *drachmae*,<sup>27</sup> followed by a numeral which cannot be read.

On the right of the bust the upper inscription is quite clear :—

E. Ἀνδρέας Ἀ-  
γρεοφῶντος  
ἱερατεύσας  
στέφανον ἐ-  
πόησε χρυσοῦν  
Ἄρη

Below this is crowded another badly executed inscription :—

F. χ[. . .]ο-  
τός ἐπε-  
χρύσω-  
σεν  
Μενε-  
κλέους

<sup>26</sup> Dr. Buckler thought he could see τὰ ἀγάλμα | τα χρυσ[ᾱ] | [ ] ον, but Dr. Meritt was unable to confirm this reading from the original : this being so, it is safer to eliminate it from discussion.

<sup>27</sup> See Robert Zahn, in *Amtliche Berichte aus den königlichen Museen, Berlin* 38, 1916–17, 290.



Finally round the rim is inscribed :—

G. Μένιππος Ἑρμοφάντου τοῦ Μασᾶ ἱερατεύσας Ἄρη καὶ τῷ δήμῳ  
ρο' L ρι'

The symbol for the year is used in papyri <sup>28</sup> and in Egyptian and some Palestinian <sup>29</sup> inscriptions.

From inscription A it appears that the ancient name of the place was Myangla. The name is of a familiar Caro-Pisidian type : for the root *Muxwa* see Sundwall, *Die einheimischen Namen der Lykier* (*Klio*, Beiheft xi, 1913), 160–3. The termination *-kele* (*ibid.* 102–3) is found in Caria at Pygela and Syangela and in Pisidia at Pogle. The status of the community is ambiguous, for δῆμος is a term equally applicable to a city or to an independent village, or even to a village subject to a city. The title is, however, often given in SW Asia Minor to communities which do not seem to have been cities,<sup>30</sup> and appears to be used technically in Hierocles's lists of Pamphylia and Phrygia Salutaris to denote communities below the rank of cities. There are several δῆμοι known in the Cibyratis,<sup>31</sup> and it seems on the whole likely that Myangla was a village.

The plaque of Zeus was a public dedication by the community out of its own funds, and cost 303 *denarii* including workmanship <sup>32</sup> and all expenses. Inscription B gives the names of the members of the assembly who attested the decree authorizing the dedication. An exact parallel to the formula παρήσαν is to be found in a decree of the δῆμος (here certainly a village community) of Orcistos <sup>33</sup> ; it may be noted that it is used for the attestation of the decree and not for that of the preceding deed of gift. The formula is probably abbreviated from the γραφομένῳ παρήσαν (*scribendo adfuerunt*) of *senatusconsulta*, and the usage is no doubt of Roman origin : the Orcistos decree is strongly influenced by Roman practice, being dated by the consuls. Parallels to the practice, though not to the form of words, are not unknown in Greek cities during the Roman period.<sup>34</sup>

Some of the personal names are interesting. There is no exact parallel to Κιδιλέου, but it is clearly derived from the root *Kidla* or *Kidra* (Sundwall, *op. cit.* 104–5). Ἀπείμου is also unknown elsewhere, but it is allied to many other names (Sundwall, *op. cit.* 50–3 ; root *Apa*). Ἀρμωστος, despite its Greek appearance, is

<sup>28</sup> Wilcken, *Grundzüge* p. xiv.

<sup>29</sup> *JRS* xviii, 1928, 151 ; xx, 1930, 43.

<sup>30</sup> E.g. *IGR* iii, 280, 324, 418–19 ; Sterrett, *Wolfe Expedition* no. 240 ; Ramsay, *Cities and Bishoprics of Phrygia* 308, nos. 120–1 ; A. H. M. Jones, *Cities of the Eastern Roman Provinces* 480, n. 40.

<sup>31</sup> See Jones, *op. cit.* 396, n. 76.

<sup>32</sup> Otherwise χειροπρόνια is unknown in this sense ; Hesychius gives χειροπρόνια. εορτή ἐν ᾗ τεχνῖται θύουσιν.

<sup>33</sup> *JHS* 57, 1937, 4, l. 45.

<sup>34</sup> E.g. Demitzas, *Ἡ Μακεδονία*, no. 258 ; *IGR* iv, 45, 259 ; *Ephesos* ii, 27, ll. 426–8, 444–6.

apparently not Greek, but perhaps a Hellenized spelling of the masculine of a not unknown Pisido-Lycian feminine name 'Ερμάστη or 'Αρμάστη.<sup>35</sup>

The inscriptions of the Ares plaque are more difficult to interpret. They mention five persons, two of whom have held a priesthood, presumably of Ares, and whose gifts may be regarded as a *summa honoraria*. Inscription G, which mentions no object, presumably refers to the plaque itself. Inscription E specifies a golden, probably gilded, wreath. Inscription C refers to a third object the nature of which can be determined only indirectly (see below, p. 30). These three inscriptions may be coeval and refer to three simultaneous dedications, all inscribed on the plaque because it alone had a suitable surface. Later it would appear that C was deleted, and D and F inserted. The object given by Harmostos, son of Areus, had probably been damaged, and Areus, son of Harmostos, evidently a descendant, gave a certain sum of *drachmae* for the repair, while a third party paid for the regilding of the wreath mentioned in E. That he, like the other persons mentioned on the plaque, was a donor and not a goldsmith, is proved by other inscriptions in which ἐχρύσωσεν—here ἐπτεχρύσωσεν—or the corresponding Latin 'inaurare' is used in that sense. There are four such inscriptions :—

(1) A round marble altar of the time of Augustus, from Tegea, *IG* v, 2, no. 83, Φιλοκράτης Δαμονίκ[ου] ὑπὲρ τὸν υἱὸν Δαμόνικον ἀνέθηκε τὸν βω[μὸν] καὶ ἐχρύσωσε τὸ ἄ[γαλμα] τοῦ 'Απόλλων[ος]. The 'agalma' is apparently Cheirisophos's Daidalic 'xoanon', mentioned by Pausanias viii, 53, 7, 8.<sup>36</sup>

(2) The relief base of a bronze statue of Zeus Solymeus, of the second century B.C., from Termessus, R. Heberdey, *Epitymbion Szoboda* 76, 'Οτανις Μωτος ἱερητεύσας Διὶ Σωλυμει εὐχὴν· Διονύσιος 'Ηρακλείδου ἀπὸ 'Αλεξανδρέας ἐχρύσωσεν. There is no reason to assume an interval between the erection of the statue and the regilding; obviously the priest and Dionysios took equal share in the dedication, the former paying for the bronze statue, the latter for its costly coating.

(3) Base from Termessus of the time of Trajan, Heberdey, *l.c.* 78, Σινδλις Μασσανισβου Τερμησεὺς ἐχρύσωσεν. Here the object for the gilding or regilding of which the donor paid remains uncertain.<sup>37</sup>

<sup>35</sup> *SEG* ii, 672, 681; *IGR* iii, 424; Petersen and Luschan, *Reisen im südwestlichen Kleinasien* ii, 223.

<sup>36</sup> Gilded wooden Palladia in fifth-century Athens: Aristophanes, *Acharn.* 547, with schol. Rav. and schol. Il. 6, 311; Roscher, *Lexikon* iii, 3426. On gilded wood sculpture in Hellenistic times see C. Alexander, *Bull. Metropolitan Museum* 34, 1939, 274. The

gilded wood statuette of Alexander in the Louvre is now figured in *Mitt. d. Arch. Inst.* 63-4, 1938-9, pl. 5; Gebauer (p. 38) incorrectly takes gilding here for an Egyptian feature.

<sup>37</sup> Heberdey's treatment of the ἐχρύσωσεν inscriptions is not complete; his thesis that they refer to the gilding of horns of sacrificial animals seems unconvincing.

(4) *CIL* ix, 3146 (*ILS* 4107; H. Graillot, *Le culte de Cybèle* 253; Roscher, *Lexikon* ii, 2920). From Corfinium.

Acca L. f. Prima ministra Matris Magnae Matrem refecit Magnam et inauravit et Attini comam inauravit et Bellonam refecit. Attini aram, lunam argent. p. = (pondo unciis duabus) posit P. Marius Pharetra sacer(dos).

Priest and priestess dedicate an altar and pay for the regilding of the images, *more Graeco*, as comparison with the Arcadian inscription (no. 1) shows.

In our case it is equally possible in principle that the man bore the cost of the first gilding of the votive offering or of its regilding. But, as pointed out, D and F refer to repairs of the original dedication after seventy years, in the hundred-and-eightieth year of the era. Though there is no object to ἐπεχρύσωσεν, the position of Inscription G suggests that it was the wreath in the foregoing Inscription F.

Some personal names of interest occur in the Ares inscriptions. Masas is not uncommon in SW Asia Minor (Sundwall, *op. cit.* 144-5). Ἀγρεοφῶν is a rare Greek name, found in Lycia and eastern Caria.<sup>38</sup> F. Bechtel suggests that Ἀγρέσφων cited in Suidas, s.v. Ἀπολλώνιος, ἕτερος, Τυανεύς should be emended to Ἀγρεοφῶν.

The cult of Zeus, whatever native deity he represents, is too widespread to deserve comment. That of Ares is rare, but seems to have been not unpopular in Pisidia, being recorded at Ariassus,<sup>39</sup> Prostanna,<sup>40</sup> Selge,<sup>41</sup> and Pednelissus,<sup>42</sup> and is also known to have existed at Cyaneae in Lycia<sup>43</sup> and Attaleia in Pamphylia.<sup>44</sup>

There remains the question of the date. The number in A is probably to be read 155, for it is unlikely that πεν, if a mere dittography, would have remained undeleted, and it is followed by a dot which may indicate an abbreviation. Inscription G contains two dates, 110 and 180. The former is probably that of the original dedication, the latter was doubtless inserted, in front of the year-symbol, when the repairs were executed. To determine the era from which these years are computed it is necessary to recapitulate the history of the district.<sup>45</sup> Myangla lay between Oinoanda and Bubon and Balbura, and its fortunes presumably followed those of these three cities. The three cities were members of the Cibyratic Tetrapolis and were ruled by the Moagetid tyrants of Cibra till in 85 B.C. Murena abolished the dynasty, and added Cibra itself to Asia, and Bubon, Balbura, and probably also Oinoanda to the Lycian League. This date, which marks the beginning of freedom

<sup>38</sup> Robert, *Études Anatoliennes* 486.

<sup>39</sup> *BMC Lycia, etc.*, 205.

<sup>40</sup> *Ibid.* 239.

<sup>41</sup> *IGR* iii, 383.

<sup>42</sup> *SEG* ii, 727.

<sup>43</sup> *IGR* iii, 700.

<sup>44</sup> *Ibid.* 780.

<sup>45</sup> See Jones, *op. cit.* 64, 105-7, and the relevant notes.

after the abolition of royal rule, would be very suitable for a new civic era. There is no record of the three cities ever using any era, but that of 85 B.C. was apparently adopted in Cibyra,<sup>46</sup> and it is later found in use in a number of places in the neighbourhood of that city, Tefeni, the ancient Ormela,<sup>47</sup> Dodurga,<sup>48</sup> and probably Gebren.<sup>49</sup> In 43 B.C. Oinoanda sided with Brutus against the other Lycian cities and, when next year Antony rewarded the League by confirming its freedom, Oinoanda and its two neighbours seem to have been expelled. This date was obviously not one to be celebrated. The cities seem subsequently to have been added to the kingdom of Amyntas, and thus in 25 B.C. became part of the province of Galatia. The era of 25 B.C. might in theory have been adopted by them, but it seems to be confined to the Gallic tribes. The next notable event in the district is the great earthquake at Cibyra which adopted A.D. 25 as its era henceforth, in honour of Tiberius's benefactions after the calamity. This era has strictly nothing to do with Myangla. But it was used in several places east of Cibyra which, though in the province of Asia, were not in our opinion in the territory of Cibyra,<sup>50</sup> viz. Ormela,<sup>51</sup> Alastus,<sup>52</sup> and Lagbe,<sup>53</sup> or even, if Ramsay's interpretation of the double date introduced is correct, among the Macropedeitae of the province of Lycia-Pamphylia<sup>54</sup>: at Ormela it was used concurrently with the era of 85 B.C. *A priori* it does not seem at all improbable that small communities, which are unlikely to have had any official era of their own, should have used the era of a prominent neighbouring city with which they had no political relation: in a later age the people of Birosaba dated their documents indifferently κατὰ Γαζαίους<sup>55</sup> or κατ' Ἐλευθεροπολίτας<sup>56</sup> though both cities lay in a different province. It must further be borne in mind that Oinoanda still remembered its ancient ties with Cibyra in the late second century A.D.<sup>57</sup>

In A.D. 43 Claudius suppressed the freedom of the Lycians and formed the province of Lycia-Pamphylia, which included Oinoanda<sup>58</sup> and also Cibyra.<sup>59</sup> The Lycians later, probably towards the end of Nero's reign, recovered their liberty. Vespasian early in his reign re-established the province of Lycia-Pamphylia. None of these events, with the dubious exception of the last, are known to have occasioned an era. In the present case they are

<sup>46</sup> See Imhoof-Blumer, *Kleinasiatische Münzen* 253; his alternative suggestion of 133 B.C. is unacceptable, since the status of Cibyra was unaffected by the dissolution of the Attalid kingdom.

<sup>47</sup> *IGR* iv, 891.

<sup>48</sup> Ramsay, *op. cit.* 269-270, no. 91-2.

<sup>49</sup> *Ibid.* 307, no. 111.

<sup>50</sup> See Jones, *op. cit.* 75-6.

<sup>51</sup> *IGR* iv, 889; Ramsay, *op. cit.* 304, no. 99.

<sup>52</sup> *IGR* iv, 897.

<sup>53</sup> Ramsay, *op. cit.* 273, no. 193.

<sup>54</sup> *L.c.* 308-9, nos. 120-1.

<sup>55</sup> *SEG* viii, 293, 299.

<sup>56</sup> *Rev. Bibl.* 1904, 266-270.

<sup>57</sup> *IGR* iii, 489.

<sup>58</sup> *IGR* iii, 486.

<sup>59</sup> *Ibid.* iv, 902.

highly improbable, since the two latter would throw Inscriptions A and B after A.D. 212, in which case one would expect the name Aurelius to appear on the official list of names after παρῆσαν. The first would put D and F only after 212, in which case the absence of Aurelius would be less striking.

Two eras are thus possible, 85 B.C. and A.D. 25, of which the former is perhaps slightly more probable. Reckoning by the former, the Ares plaque was dedicated in A.D. 25, the Zeus plaque in A.D. 70, the repair being executed in A.D. 95. Reckoning by the latter, the dates would be : A.D. 135, 180, 205.

### III. PROBLEMS

So far the silver objects and the inscriptions on them have been treated more or less separately : there remain problems which can only be solved by closer contact between archaeologist and epigraphist.

The inscriptions on the Zeus plaque do not specify the nature of the dedication. That it comprised more than the plaque itself is proved by two arguments. (1) The fastening device points to a chain which was doubtless of silver and certainly not a simple wire or string. (2) Inscription A says that the δῆμος spent 303 *denarii*. From A.D. 64 onwards the *denarius* was equivalent to  $\frac{1}{96}$  of the *libra*.<sup>60</sup> Thus at the two dates in question 303 *denarii* corresponded to 1033.2 gr. The present weight of the Zeus plaque is 418.7 gr. The original weight, before the bust was damaged and the one rivet-head lost, may be reckoned at 430 gr. or so. The remaining difference of about 600 gr. is surely too large a sum to have been spent on the χειροπόνια paid to the goldsmith Gaios and on the other expenses. There are other cases where the weight of a whole set of silver objects is written on only one of them,<sup>61</sup> and in our case this practice is the more easy to understand, if the other objects (or object) had no suitable surface to write on. Let us assume for a moment that the missing part of the dedication on which the larger part of 600 gr. silver went was a chain of the same kind as the surviving one, if not this very chain : the still existing fragments have a length of 43.5 cm. and a weight of 108.46 gr. If the original length of the wreath-chain, going round the neck and hanging loosely over the shoulders down on to the breast, is roughly estimated at 100 cm., its weight would have been 250 gr., and the remainder of about 350 gr., a *libra*, would have covered Gaios's fee and the ἄλλαι δαπάναι.

<sup>60</sup> G. Elmer, *Verzeichniss der römischen Reichsprägungen von Augustus bis Anastasius*, Wien 1933, 25.

<sup>61</sup> R. Zahn, *Ämtliche Berichte aus den königlichen Kunstsammlungen* 38, 1916-17, 290.

Of the inscriptions on the Ares plaque, as pointed out before, C, E, and G refer to the original dedication, D and F to repairs seventy years later. G is very probably the dedicatory inscription of the plaque itself. What was mentioned in C and in D, where we are told that a descendant of the donor spent some *drachmae* on the repair of his father's gift, cannot be determined: it is, however, likely that Harmostos dedicated an object which, like the plaque and the wreath (G and E), formed part of the priest's vestments or adorned the statue of Ares.

There were two alternatives for the era, the earlier of which, on historical grounds, is slightly more probable. If it be accepted, the Ares plaque will have been made in the reign of Tiberius and the Zeus plaque in that of Vespasian. If the later date be preferred, they will have been made the one under Hadrian and the other under Commodus: it seems as if the style of the busts slightly favours the second alternative.

The discussion on the era above was based on the assumption that the plaques were dedicated at Myangla and that Seki Bazar is the site of this ancient place.

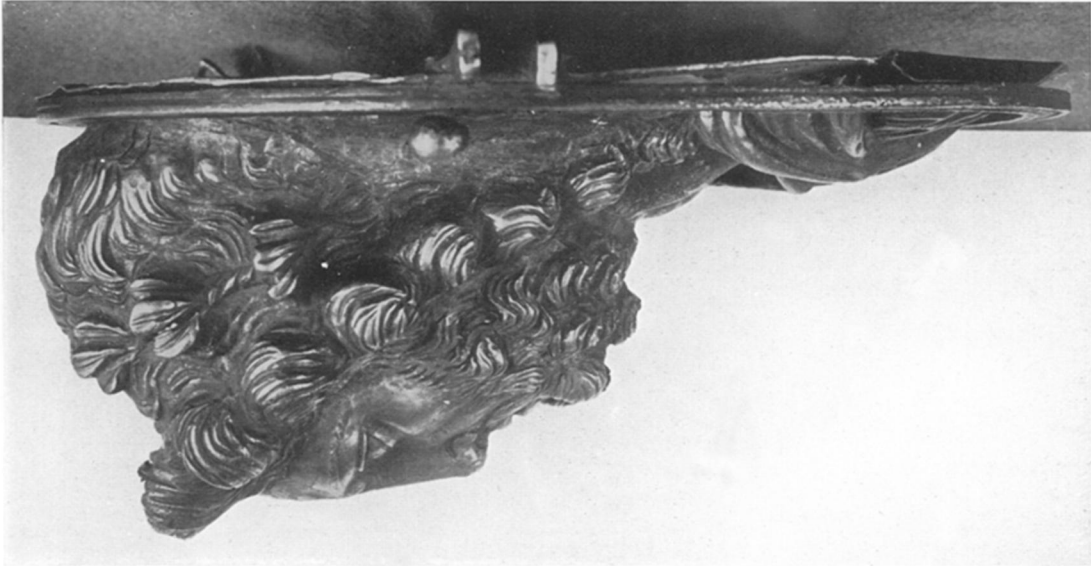
That the Zeus plaque was dedicated by the community of Myangla is stated in Inscription A: Inscription B strongly suggests that it was dedicated *at* Myangla, and not in some prominent shrine in another city, for the list of witnesses to the decree is a matter of local interest only. For the Ares plaque the evidence is less explicit, but its similarity to the Zeus plaque in form and ritual purpose points to the two having been dedicated at the same place. Furthermore a Harmostos, a citizen of Myangla, is one of the witnesses on the Zeus plaque, and another Harmostos is a donor on the Ares plaque. Though it cannot be ruled out that the name may have been used elsewhere, its extreme rarity suggests that the two Harmostoi were related. If this be so, the donor of an object associated with the Ares medallion was probably a Myangleus. That the object which he gave was dedicated *at* Myangla is to be inferred from the fact that a descendant of his, seventy years later, paid for its repair: this would be less natural if the object had been in the custody of another, perhaps distant, community.

The question whether Seki Bazar was Myangla has been much discussed between the writers of the present paper. We are well aware that the place where a hoard of precious inscribed objects, coins or others, was unearthed is not necessarily the site of the ancient town named on them. A sceptic would say: originally the one plaque was in the temple of Zeus and the other in the temple of Ares at Myangla; it is unlikely that a digger for hidden treasure in modern times would be lucky enough to pick up the one medallion in the ruins of the one temple, and

the other in those of the other ; the *ensemble* of the two medallions and the wreath apparently forms part of booty made when the town where the two temples stood was ransacked in antiquity : the objects will then have been hidden and recently rediscovered at Seki Bazar. It is possible that Seki Bazar is the site of Myangla and that both temples stood there, but it might have been otherwise.

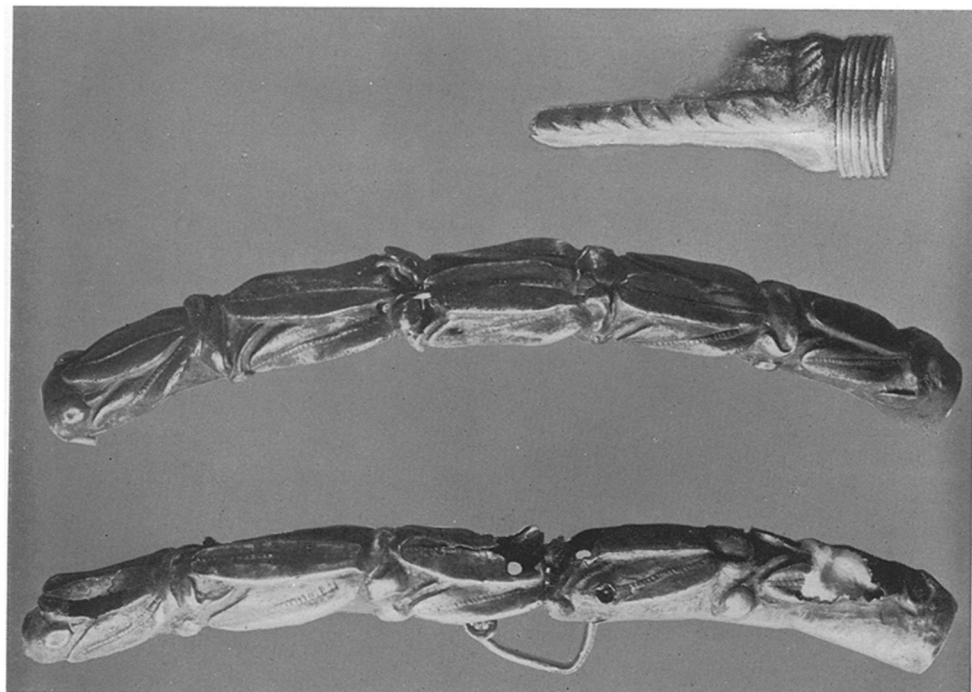
On the other hand, many ways can be imagined in which the objects may have come together besides the agency of a robber. In the first place it is a gratuitous assumption that the Myangleis stored the Zeus plaque in the temple of Zeus and the Ares plaque in the temples of Ares : they may, like the Athenians after 434 B.C., have preferred to keep all their valuables in one treasury. On this hypothesis the medallions and the wreath may have been discovered in their original place of safe-keeping ; the treasury may have been overthrown by an earthquake and the objects buried in the debris. Alternatively they may have been hidden by a pious pagan on the seizure of heathen treasures by Constantine. Or again they may have been sold on this occasion, and been later secreted by their new owner or his heirs. On these two hypotheses they are not likely to have travelled far from their original home.

On the whole it seems at least as likely as not that the ornaments were found not far from their place of origin. That their home cannot have been very far from Seki Bazar is indicated by the personal names, which smack strongly of this district, where Pisidian, Lycian, Carian, and Phrygian elements intermingle. The question of the era is hardly affected, for in the neighbouring lands to the west (Caria), south (Lycia), and east (Pisidia), which are in question, no eras are known to have been used ; at Termessus the coins are, it is true, dated from 71 B.C., but only down to 39 B.C.—no era is used on the numerous inscriptions of the Principate. If the objects come from farther north, the claims of the Cibyritic era would be slightly strengthened.



SILVER PLAQUE (FULL FACE AND IN PROFILE) OF ZEUS FOUND IN SOUTH-WEST ASIA MINOR c. 4 (see p. 16 ff.)





1. SILVER PLAQUE (c. 3) AND FRAGMENTS OF A WREATH (c. 3) FOUND IN SOUTH-WEST ASIA MINOR (see p. 18 ff.)



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'In eo Solo Dominivm Popvli Romani est vel Caesaris'

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‘IN EO SOLO DOMINIVM POPVLI ROMANI EST VEL CAESARIS’

By A. H. M. JONES

The doctrine that *dominium* in provincial soil was vested in the Roman people or in Caesar has been taken far more seriously in modern, than it ever was in ancient, times. There is no evidence, as the late Professor Tenney Frank argued in volume xvii of this *Journal*, that the doctrine had any effect on the policy of the Roman government under the Republic or in the early years of the Principate. It may be added that there is equally little evidence that it was put to any practical use at any later period. At no time did the Roman government treat provincial landholders as tenants at will, or assume the right of arbitrarily dispossessing them: confiscation always remained a penal measure. Julius Frontinus,<sup>1</sup> writing under Domitian, does, it is true, use the doctrine to explain why provincial landholders pay tribute: ‘possidere enim illis quasi fructus tollendi causa et praestandi tributis condicione concessum est.’ But it may be questioned how seriously Frontinus intended these words to be taken: the ‘quasi’ suggests that he is speaking figuratively. And in any case the theory had no effect on administrative practice. A tenant could be evicted for failing to pay his rent<sup>2</sup>: a landowner who did not pay his tribute remained, despite the theory, liable only for the amount of his debt to the State.<sup>3</sup>

Even in the Byzantine period the distinction between private land and land belonging to the State, or rather to the emperor, remained perfectly unequivocal. If Justinian was conscious that the *dominium* in provincial soil was vested in himself, he parted with his rights in a singularly light-hearted manner. So far as legal procedure went he assimilated Italian to provincial soil, abolishing such peculiarly Italian concepts as *nudum ex iure Quiritium dominium*<sup>4</sup> and *usucapio* by two years’ possession, and applying to Italian soil the provincial rule of *longi temporis praescriptio*.<sup>5</sup> The result of his reforms he nevertheless states is that ‘his modis non solum in Italia sed in omni terra quae nostro imperio gubernatur *dominium rerum*, iusta causa possessionis praecedente, adquiratur’.<sup>6</sup> The italics are mine: Justinian lays no stress on the change, and it is only the commentator Theophilus who at this point recalls the doctrine of Gaius, and underlines the emperor’s beneficence in surrendering his rights.<sup>7</sup>

<sup>1</sup> Bruns <sup>7</sup>, ii, 86.

<sup>2</sup> Gaius, *Inst.* iii, 145.

<sup>3</sup> *Dig.* xlix, xiv, 45, § 12.

<sup>4</sup> *Cod. Just.* vii, xxv, 1.

<sup>5</sup> *Ibid.* vii, xxxi, 1.

<sup>6</sup> *Just. Inst.* ii, vi, pr.

<sup>7</sup> *Comm. in Inst.* ii, i, 40.

The doctrine does not seem, in fact, to have interested constitutional lawyers. It is to explain problems of private law that it is invoked by Gaius. It is enunciated in so many words to account for the fact that *solum Italicum*, when a corpse was lawfully buried in it, became *religiosum*, whereas *solum provinciale* in similar circumstances became *pro religioso* only. The answer is that we make land *religiosum* 'mortuum inferentes in locum nostrum', and the land in the provinces is not ours.<sup>8</sup> The doctrine also clearly in Gaius' mind underlies the other differences between Italian and provincial soil. The former is *res Mancipi*, can be conveyed by *mancipatio* and *in iure cessio*, and is capable of *usucapio*. The latter is *nec Mancipi*, can be conveyed by *traditio* only, and is incapable of *usucapio*.<sup>9</sup>

Gaius' treatment of *loca sacra* and *religiosa* is not altogether satisfying. The distinction between the two is, he says, that land becomes *sacer* only by authority of the Roman People, whereas a private citizen can make his land *religiosus*.<sup>10</sup> He goes on to explain why provincial land cannot become properly speaking *religiosus*. He then adds: 'item quod in provinciis non ex auctoritate populi Romanis consecratum est proprie sacrum non est'.<sup>11</sup> Now we know from a letter of Trajan to Pliny<sup>12</sup> that provincial soil could not become *sacer*. It would appear therefore that in this awkward sentence Gaius is shuffling. He knows that in the provinces the soil is incapable of becoming either *religiosus* or *sacer*. His theory accounts satisfactorily for the former fact. The latter is left unexplained and Gaius glosses over the difficulty by restating the unexceptionable principle that land can be rendered *sacer* only by authority of the Roman People and inconsequently adding 'in provinciis'.

Trajan not only states that provincial soil is incapable of being *sacer*, but gives an explanation which is more satisfying than that of Gaius: 'cum solum peregrinae civitatis capax non sit dedicationis quae fit nostro iure.' The explanation will cover all the facts. *Sacer*, *religiosus*, *res Mancipi*, *mancipatio*, *in iure cessio* and *usucapio* are concepts and processes of the *ius civile* and therefore applicable to *ager Romanus* only. *Traditio*, being *iuris gentium*, is applicable to all negotiable objects, including provincial soil.

Trajan's viewpoint seems to be shared by Cicero. When Decianus entered in the Roman census estates that he had acquired at Apollonis, a free city of Asia, Cicero asked: 'sintne ista praedia censui censendo, habeant ius civile, sint necne sint Mancipi, subsignari apud aerarium aut apud censorem possint?'<sup>13</sup> Most

<sup>8</sup> *Inst.* ii, 7.

<sup>9</sup> *Inst.* ii, 14a, 21, 27, 31, 46.

<sup>10</sup> *Ibid.* ii, 5, 6.

<sup>11</sup> *Ibid.* ii, 7.

<sup>12</sup> Pliny, *Ep.* x, 50.

<sup>13</sup> Cic., *pro Flacco*, 80.

of these questions would have to be answered in the negative if the land were, as in Gaius' theory, *ager publicus populi Romani*, but the second 'habeant ius civile' surely implies that Cicero regarded land in the territory of Apollonis as *iuris peregrini*.

Trajan's theory is not only authoritative as that of an emperor ; it also seems to have the support of a great constitutional theorist of the Republic ; and finally it explains the facts. I venture to suggest that it is correct. What then is the origin of Gaius' doctrine ? Since it was never taken up by the government, despite its obvious usefulness as a constitutional principle, but is known only as an explanation of problems of private law, it was in all probability evolved in order to explain such problems. It will therefore be useful to trace the development of Roman land law.

Under Roman law *ager privatus* could be conveyed either by the formal processes of *mancipatio* or *in iure cessio* or by the informal process of *traditio*. The two former transferred the *dominium* from seller to buyer. The last transferred *possessio* only, but this flaw in the transaction was automatically remedied by the lapse of time, since *possessio* in good faith for two years conferred *dominium* by *usucapio*.<sup>14</sup> These rules naturally applied to Roman citizens (or *peregrini* possessing *commercium*) and to *ager Romanus*.

Under the Republic it was apparently assumed that the territory of any community which accepted the Roman citizenship became part of the *ager Romanus*, and thus after the enfranchisement of the Italian allies the *ager Romanus* became to all intents and purposes coincident with Italy. Hence the concept of *solum Italicum*. Nevertheless there was *ager Romanus* outside Italy. Most of it was *ager publicus*, so that questions of conveyancing did not arise. But when the Roman People founded transmarine colonies, the parts of its *ager publicus* thus converted into *ager privatus* seem to have been regarded as possessing the same rights as Italian soil : at any rate the allotments at Carthage under the Lex Rubria do not appear, so far as can be judged from the fragmentary text of the Lex Agraria, to be differentiated from *ager privatus* in Italy.<sup>15</sup>

It seems to me probable that Caesar and Augustus continued to regard it as normal that Roman colonies planted in the provinces should form part of the *ager Romanus*. We know at any rate that a large number of their colonies possessed what Pliny and later authors call the *ius Italicum*,<sup>16</sup> whereby their soil had the same

<sup>14</sup> Gaius, *Inst.* ii, 40-2.

<sup>15</sup> Bruns, *l.* i, no. 11, ll. 53 ff.

<sup>16</sup> P-W s.v. 'Coloniae', 580 f., 'Ius Italicum' 1240. It must be remembered that our list of *coloniae iuris Italici* is far

from exhaustive, since it depends on such *obiter dicta* of the classical jurists as Justinian's compilers have preserved and on the chance that a colony issued coins and used the Marsyas type on them.

legal quality as that of Italy. Provincial *municipia* seem, on the other hand, to have been treated differently: we know of very few which possessed the *ius Italicum*, and these are of late origin.<sup>17</sup> The reason for this change of policy was probably fiscal. *Ager Romanus* was theoretically subject to the Roman *tributum*, but, as this was never levied, it was practically tax-free. This had not mattered so long as the communities enfranchised were Italian, since the Italian allies had never paid taxes to Rome. But when Caesar introduced the practice of granting the citizenship freely to provincial communities, the financial consequences would have been serious had their territories according to custom become *ager Romanus*. The same considerations of course applied to transmarine colonies, and ultimately led to the same change of policy, but at first their condition was not altered, partly perhaps because they were felt to be more intimately a part of the Roman State, partly because they consisted of men who were already Roman citizens, and most of them veterans, and who therefore had special claim to consideration, partly, no doubt, because they were relatively few in number.

How the change in policy was affected we do not know, but the most plausible hypothesis is that a clause was inserted in the charters of newly created *municipia*, stating that the quality of the soil was unaffected by the enfranchisement of the community. If this was so a novel situation would have arisen. Hitherto individual Romans had bought and sold provincial land. What forms of law they used we do not know. It seems most probable that, as later in imperial Egypt,<sup>18</sup> they employed the legal procedure of the place, though they may have had recourse to *traditio*, which being *iuris gentium* was universally applicable. But now there were whole communities of Roman citizens, who could use no other law but Roman, buying and selling land which was not Roman. *Traditio* was the only procedure available to them.

Lawyers would naturally have compared the processes applicable on Italian and on provincial soil. On provincial soil there was no *mancipatio* or *in iure cessio*, but only *traditio*. On Italian soil *traditio* was also common, perhaps indeed the normal procedure, but it conveyed *possessio* only: *dominium* followed by *usucapio*. On provincial soil, the lawyers argued, *traditio* similarly transferred *possessio*—but there was no *usucapio*. Where then had the *dominium* vanished?

<sup>17</sup> Stobi (*Dig.* 1, xv, 8, § 8) and Coela (Head, *Hist. Num.*<sup>2</sup> p. 259, for a Marsyas statue) seem to be the only *municipia* possessing *ius Italicum*, and of these Stobi is not known to be earlier than Flavian and Coela

is Hadrianic. Nothing is known of the four Dalmatian communities stated to be *iuris Italici* in Pliny, *HN* iii, 139.

<sup>18</sup> Mitteis, *Grundzüge*, 172.

At this stage it will be profitable to examine with greater care the doctrine enunciated by Gaius. In the first place he states that the *dominium* in provincial soil 'populi Romani est aut Caesaris'. Caesar's appearance is unexpected and, on any sound constitutional doctrine, inexplicable. In the second place he divides provincial soil into two categories, *praedia stipendiaria* and *tributaria*, and explains that 'stipendiaria sunt ea quae in his provinciis sunt quae propriae populi Romani esse intelleguntur, tributaria sunt ea quae in his provinciis sunt quae propriae Caesaris esse creduntur'.<sup>19</sup> It would seem that in their search for a *dominus* of provincial land the lawyers seized on the phrases *provinciae publicae* and *provinciae Caesaris* and interpreted them as meaning owned by the Roman People and Caesar respectively.

If provincial land was in reality *solum peregrinarum civitatum* and the theory that 'in eo solo dominium populi Romani est vel Caesaris' is a conveyancer's phantasy, Mommsen's view of the juristic status of the provinces must be abandoned. He held that provincial communities made or were deemed to have made a *deditio* on annexation, and that their juristic position remained unchanged thereafter. Thus the inhabitants of the provinces were in strict law *dediticii*, and their land *ager publicus populi Romani*. In a previous article in this *Journal*<sup>20</sup> I argued that the evidence does not seem to tally with Mommsen's view of the personal status of provincials, the majority of whom appear to have been not *dediticii* but *peregrini*, that is, members of *civitates peregrinae*. I suggested that, though a *deditio* was made or deemed to have been made on annexation, its effects were undone in so far as the *lex provinciae* reconstituted (or in some cases constituted) *civitates*. The members of these became *peregrini*, and their territories, I would now add, became *solum peregrinarum civitatum*: to quote Cicero<sup>21</sup>: 'cum . . . senatus et populus Romanus Thermitanis . . . urbem agros legesque suas reddidisset.'

I further suggested that where no *civitates* were constituted, as in Egypt, the inhabitants remained *dediticii*. It should follow that the land in such areas remained *ager publicus populi Romani*. This in Egypt was substantially true, but on this point the Romans seem to have tempered legal logic with expediency. They kept the land of the conquered government, but allowed private land-owners in most cases to retain their title. Nevertheless the principle that the land of a conquered people belonged to the Roman government unless and until a city was constituted on it would seem to have still prevailed in the Flavian period. Josephus<sup>22</sup>

<sup>19</sup> *Inst.* ii, 21.

<sup>20</sup> *JRS* xxvi (1936), 223 ff., esp. 229-232.

<sup>21</sup> *Verr.* ii, 90.

<sup>22</sup> *Bell. Iud.* vii, 216-17.

says that on the conclusion of the Jewish war Vespasian ordered πᾶσαν χώραν ἀποδόσθαι τῶν Ἰουδαίων· οὐ γὰρ κατέφκισεν ἐκεῖ πόλιν, ἰδίαν ἑαυτῷ τὴν χώραν φυλάττων. If one allows for the confusion between the emperor and the Roman People, already at this period common in ordinary and especially provincial minds, these words seem to express correctly the official attitude to provincial soil.





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# THE ROMAN CIVIL SERVICE (CLERICAL AND SUB-CLERICAL GRADES)\*

By A. H. M. JONES

The first and indeed the only Roman clerical officer to achieve historic fame was Gnaeus Flavius, a *scriba* of the aediles, who published the secrets of the *ius civile* and of the calendar and was himself elected aedile in 304 B.C.<sup>1</sup> From this incident some interesting facts emerge on the status and organization of the early Roman civil service. *Scribae*, if one may generalize from Gnaeus Flavius' case, were, unlike the public γραμματεῖς of the Greek cities, professional clerks who normally made the civil service their life's career,<sup>2</sup> and were therefore experts at their job—sometimes considerably more expert than their annually changing masters. On the other hand, they were not, like the δημόσιοι who often performed similar work in Greek cities, public slaves, but citizens,<sup>3</sup> though of rather humble standing. Flavius was the son of a freedman and, when he stood as aedile, the returning officer refused to accept his name until he formally renounced his profession. *Servi publici* were not unknown at Rome, particularly in the service of the priestly colleges, but the greater and more important part of the civil service consisted of salaried citizens.<sup>4</sup>

We know very little more about the Roman civil service till we get down to the last fifty years of the Republic, when Cicero, particularly in the *Verrines* and in a letter to Quintus, gives us some interesting information, and the epigraphic evidence begins with a fragment of Sulla's law on the twenty quaestors, dealing with their *scribae*, *viatores* and *praecones*. With this evidence may be conveniently combined the many inscriptions of the Principate which illustrate the survival of the Republican civil service under the Empire.

We hear at this period of many subclerical grades, doctors (*medici*), surveyors (*architecti*), *haruspices* to interpret omens, *pullarii* to keep the chickens needed for divination, but we know little of the organization and terms of service of these technical officers.<sup>5</sup> In what follows I shall be speaking of the less specialized grades, the messengers (*viatores*),<sup>6</sup>

\* This paper was read to the Roman Society at the Annual General Meeting of 1948. I have left the text substantially unaltered, adding notes and an Appendix.

<sup>1</sup> The story is told in varying forms in Livy, ix, 46, Pliny, *HN*, xxxiii, 17, *Dig.*, i, ii, 2, §27 and Gellius, vii, ix. He is sometimes called a *scriba* of the aediles (Livy and Gellius), sometimes the *scriba* of Appius Claudius the Censor (Pliny and the *Digest*): as will be seen the two versions are not contradictory.

For the first part of this paper, which deals with the *apparitores*, the basic study is still Mommsen, *Staatsrecht*, i<sup>3</sup>, 332–371, though the work of J.H. Krause, 'De scribis publicis Romanorum' (*Jahrbuch des Pädagogiums zum Kloster Unser Lieben Frauen in Magdeburg*, Heft 22, 1858), is still of value, especially for the social status of *scribae* during the Republic. I differ from Mommsen on a few points, but my account is mainly a summary of his, where further references may be found.

<sup>2</sup> Mommsen's assumption that the tenure of *apparitores* was originally and always in principle annual, like that of the magistrates whom they served, seems to be arbitrary. *Apparitores* (except for *accensi*) are always described as serving a college of magistrates, and not any individual magistrate. Long

tenure appears to have been already the rule in the early second century B.C., when L. Petilius, appointed *scriba* by Q. Petilius as quaestor, is still holding this post when his patron is praetor (Livy, xl, 29).

<sup>3</sup> According to tradition citizens were employed from the earliest days of the Republic (Livy, ii, 55). The rule is explicitly recorded in Bruns, *Fontes*<sup>7</sup>, 12, ll. 7–8, 12, 'de eis qui cives Romanei sunt'.

<sup>4</sup> Mommsen, *Staatsrecht*, i<sup>3</sup>, 320–332.

<sup>5</sup> Verres' *medicus* and *haruspex* are frequently classed with the *apparitores* by Cicero (*Verr.*, ii, 27, iii, 28, 54, 137). *Architecti* and *pullarii* are among the staff allocated to Rullus' proposed decemvirs (Cic., *de lege agr.*, ii, 31–2). Only the last grade are known to have been organized on a regular basis in *decuriae* (ILS, 1886, 1907, cf. 1926).

<sup>6</sup> *Viatores* traditionally go back to the earliest days of the Republic (Livy, ii, 56, 13, iii, 56, 5, Cic., *de sen.*, 56, Festus, p. 371, Pliny, *HN*, xviii, 20). They are recorded as serving dictators (Livy, vi, 15, 1, xxii, 11, 3), consuls (Gellius, iv, x, 8, Livy, xli, 15), praetors (Bruns, *Fontes*<sup>7</sup>, 10, l. 50), aediles (Livy, xxx, 38, 7), quaestors (Bruns, *Fontes*<sup>7</sup>, 12) and in particular tribunes of the plebs (Livy, ii, 56, iii, 56, xxxviii, 51, 12, Gellius, xiii, xii, 6, Cicero, *pro Fonteio*, 29, *pro Cluentio*, 74, in *Vatin.*, 22).

the heralds (*praecones*),<sup>7</sup> and the lictors, who had not only the ceremonial duty of constituting a guard of honour to the magistrates they served,<sup>8</sup> but, in the provinces at any rate, acted as gaolers and executioners. In a province the post of chief lictor might be both influential and lucrative; Cicero gives a lurid but not necessarily untrue picture of how Sextus, Verres' principal lictor, amassed a small fortune by exacting douceurs from the friends and relations of prisoners in return for allowing them amenities in prison or a painless execution.<sup>9</sup> These were all what might be called established officers, permanently registered at the Aerarium. One officer, the *accensus*, was exceptional in that he was a personal appointment by the magistrate concerned, who normally nominated a freedman of his own.<sup>10</sup>

A cut above all these minor fry were the clerical grade—the *scribae*.<sup>11</sup> Even when he is denouncing the iniquities of Verres' *scriba*, Cicero is careful to state that his remarks do not apply to the *ordo scribarum* as a whole, which is a highly respectable body,<sup>12</sup> and he proudly records the *scribae* among the sound elements in the body politic who welcomed his return from exile.<sup>13</sup> It appears from the *Verrines* that it was customary for a magistrate to reward his *scriba* on the conclusion of his service with a gold ring,<sup>14</sup> and that *scribae* claimed to belong to the equestrian order.<sup>15</sup>

The organization of the service was complicated, and is in some points obscure: the evidence comes mainly from Imperial inscriptions. The officers of each grade attached to each magistracy normally formed a separate panel (*decuria*) or group of panels: for instance, the *scribae* of the quaestors were organized in three *decuriae*, which apparently served in the Aerarium annually in rotation, and so also were their *viatores* and *praecones*.<sup>16</sup> The consuls and praetors counted for this purpose as one college, and the lictors, the *praecones*, and probably also the *viatores* serving them each formed a group of three *decuriae*;<sup>17</sup> but these do not seem to have served in rotation, for one of them was allocated to the consuls.<sup>18</sup> Other magistracies were served by single *decuriae* of *apparitores*, but the subdivision of magistracies was sometimes carried very far; the curule, plebian, and cereal aediles, for instance, had each their separate staff of *scribae*. Most colleges seem to have had their own *viatores* and *praecones*; lictors, of course, were confined to those possessing *imperium*; *decuriae scribarum*, though recorded for practically all of the lesser colleges, are curiously lacking for consuls and praetors.<sup>19</sup> The *decuriae* were all attached to actual magistrates, no provision being made for pro-magistrates. There is, however, absolute

<sup>7</sup> *Praecones* are recorded for censors (Varro, *L.L.*, vi, 86–7, Livy, xxix, 37), dictators (Livy, iv, 32, viii, 32–3), consuls (Varro, *L.L.*, vi, 95, Livy, xxiv, 8, 20), quaestors (Bruns, *Fontes*<sup>7</sup>, 12) and tribunes of the plebs (Livy, xxxviii, 51, 8, Asconius, in *Cornel.*, p. 51, Auctor ad Herenn., iv, iv, 68).

<sup>8</sup> Lictors, of course, by tradition go back to the regal period (Livy, i, 26, 7).

<sup>9</sup> *Verr.*, v, 118 ff.; cf. *ad Q.f.*, i, i, §13, 'sit lictor non suae sed tuae lenitatis apparitor: maioraque praeferant fasces illi et secures dignitatis insignia quam potestatis'.

<sup>10</sup> Cicero states this as the traditional practice in *ad Q.f.*, i, i, §13. Timarchides, Verres' *accensus*, was his freedman (*Verr.*, iii, 154, 157). Cicero himself, however, employed another man's freedman (*ad Fam.*, iii, 7), and so apparently did C. Nero as proconsul of Asia (*Verr.*, i, 71). *Accensi* are said to go back to the decemvirate of 450 B.C. (Livy, iii, 33, 8). They served consuls (Varro, *L.L.*, vi, 88, 95, Suet., *Julius*, 20) and praetors (Varro, *L.L.*, vi, 89).

<sup>11</sup> *Scribae* are recorded as serving aediles (Gellius, vii, ix, Livy, ix, 46, xxx, 39, 7, Cic., *pro Cluentio*, 126), quaestors (Bruns, *Fontes*<sup>7</sup>, 12, Livy, xl, 29, Plutarch, *Cato Minor*, 16), and tribunes of the plebs (Livy, xxxviii, 51, Asconius, in *Cornel.*, p. 51).

<sup>12</sup> *Verr.*, iii, 182.

<sup>13</sup> *de domo*, 74.

<sup>14</sup> *Verr.*, iii, 185.

<sup>15</sup> This is implied by 'in secundum ordinem civitatis' in *Verr.*, iii, 184. *Scribae* are placed immediately after the equestrian *tribuni* and *praefecti* and before the unofficial *comites* of a provincial governor in Cic., *pro Rabirio Postumo*, 13.

<sup>16</sup> Many inscriptions (e.g. *ILS*, 1894–5, 1898, 1926, 2748, 9036) speak of *scribae librarii quaestorii III decuriarum* and Bruns, *Fontes*<sup>7</sup>, 12, proves that the three *decuriae* of *viatores* and *praecones quaestorii* served in annual rotation.

<sup>17</sup> Lictors: *ILS*, 1904, 'I[ict.] III decuriarum, qui Ca[es.] et magistratibus a[ppar.]', 1908, 1911–2, 9037, 'lict. III decur., qui imp. et cos. et pr. apparuit', *CIL*, vi, 1874. *Praecones*: *ILS*, 1933, 'praeco ex tribus decuriis qui cos. cens. pr. apparere solent, apparuit Caesari Augusto' (the only mention of censorial *apparitores* in the inscriptions). *Viatores*: *ILS*, 331, 'viatores qui Caesarib. et pr. apparent', 1915, 1920, 1922, 1944, 'viat. honor. dec. cos. et pr.', 5052, *CIL*, vi, 1916.

<sup>18</sup> Lictors: *ILS*, 1908, 'decuriali decuriae lictor. cos. trium decuriar.', 1910, *CIL*, vi, 1879. *Praecones*: *ILS*, 1934, 'ordo decuriae Iuliae praec. cos.', 1935, 3878. *Viatores*: *ILS*, 1534, 1910, 'exercuit decurias duas viatoria(m) et lictoria(m) consulares', 1919, *CIL*, vi, 1917, cf. *ILS*, 1921, 6141, 'decuriae viatoriae equestris cos.'

<sup>19</sup> The following table shows the *scribae*, *viatores*, and *praecones* of the lesser magistracies:—

evidence that proconsuls and propraetors were served by *apparitores* of all grades,<sup>20</sup> and that praetors and censors (and presumably therefore consuls) had their *scribae*.<sup>21</sup>

The *decuriae* are apparently to be regarded as pools from which the magistrates drew their staffs. We know from a letter of Pliny that in his day a quaestor of a province drew his *scriba* by lot, and this arrangement is so typical of Republican usage that it is probably general and primitive.<sup>22</sup> On the other hand, from the mock testimonial which Cicero writes for Verres' *scriba*, it appears that he had served Verres in his successive offices of legate, praetor, and propraetor,<sup>23</sup> and must therefore have been chosen by his employer and not allotted to him. At the same time Cicero makes it abundantly clear that Verres' *scriba* was a member of the *ordo scribarum* and enrolled in a *decuria*.<sup>24</sup>

The working of the system is a little difficult to visualize, but it would appear that *apparitores*, though drawing a continuous salary from the Aerarium as members of the *decuriae*, were not continuously employed, but only as allotted to the magistrates of the college to which they were attached or as selected by pro-magistrates—and, in the case of *scribae*, by consuls and praetors. A provincial staff would thus consist of several *scribae*—the *scriba quaestorius* proper officially allotted to the quaestor and others employed by the proconsul or propraetor and his *legati*<sup>25</sup>—and lictors, *viatores*

|                           | <i>Scribae</i>   | <i>Viatores</i>                              | <i>Praecones</i>        |
|---------------------------|--|--|-------------------------|
| aed. cur. . . . .         | <i>ILS</i> , 1879-82, 1886, 1893, 1898-9, 2727, 3593, 6188 |  | <i>ILS</i> , 1879, 1908 |
| aed. pleb. . . . .        | <i>ILS</i> , 1893, <i>CIL</i> , vi, 1855                   | <i>ILS</i> , 1923, 3593, <i>CIL</i> , x, 530 |                         |
| aed. Cer. . . . .         | <i>ILS</i> , 1893  |  |                         |
| aediles (unspecified) .   | <i>ILS</i> , 1883-5, 1899, 1900, 6283, 6953-4              |  | <i>ILS</i> , 1936       |
| trib. pl. . . . .         | <i>ILS</i> , 1885-6, 1898-9, 1926                          | <i>ILS</i> , 1924-5, 1950, 7489, 9039        | <i>CIL</i> , vi, 1949   |
| quaestors . . . . .       | <i>ILS</i> , 1886-95, 1898, 1926, etc.                     | <i>ILS</i> , 382, 1926-7, 3416, 3434, 6172   | <i>ILS</i> , 1899       |
| X-viri stl. iud. . . . .  | <i>ILS</i> , 1900  | <i>ILS</i> , 1911                            |                         |
| III-viri cap. . . . .     |  | <i>ILS</i> , 1898, 1929-30                   |                         |
| III-viri viar. cur. . . . |  | <i>CIL</i> , vi, 1937-8                      |                         |
| XXVI-viri (unspecified)   | <i>ILS</i> , 1901  |  |                         |

It would seem that some *decuriae* were, perhaps at a later stage, doubled. This is the simplest explanation of *ILS*, 1883, 'scribae decur. aedilic. mai.', 1896, 'scr. libr. quaestorius e tribus decuriis minoribus ab aerario,' 7489, 'viatori tribunicio decuriae maioris,' 1886, 'scrib. tribunicio maior,' and *CIL*, vi, 1848, '[scrib. dec. ae]diliciae maior[is].' Mommsen explains them otherwise (*op. cit.*, 345).

<sup>20</sup> Promagistrates are recorded with *scribae* (Livy, xlv, 29, Cic., *Verr.*, iii, 181 ff.), lictors (Cic., *Verr.*, v, 118, 140-2, *ad Q. f.*, i, 1, §13), *viatores* (Cic., *Verr.*, iii, 154, 183), *praecones* (Livy, xlv, 29, Cic., *Verr.*, ii, 27, 75, iii, 40, 54, 137, 183), *accensi* (see note 10) and other grades (see note 5). Verres as *legatus* had a *scriba* (*Verr.*, iii, 187) and a lictor (ib. i, 67, 72).

<sup>21</sup> *Scribae* are mentioned as attending a praetor or *iudex quaestionis* in court in Cic., *Verr.*, iii, 26, *pro Cluentio*, 147 (cf. *Verr.*, iii, 187), as serving a censor in Val. Max., iv, 1, 10, and Varro *L.L.*, vi, 87. They were assigned to Rullus' decemvirs (*de lege agr.*, ii, 32).

<sup>22</sup> Pliny, *Ep.*, iv, 12, cf. schol. on Cic., in *Clod. et Cur.*, 'apud aerarium sortiri provincias et quaestores solebant et scribae.'

<sup>23</sup> *Verr.*, iii, 187, 'quandoque tu nulla umquam mihi in cupiditate ac turpitudine defuisti omnibusque

in isdem flagitiis mecum et in legatione et in praetura et hic in Sicilia versatus es.' Mommsen ignores this passage, which seems to me the clue to the appointment of provincial *apparitores*.

<sup>24</sup> *Verr.*, iii, 181-4.

<sup>25</sup> It appears from the *Verrines* that Verres had, as propraetor, one *scriba* in his employ (iii, 181-7), and had employed the same man as *legatus* in Cilicia, while Caecilius, his quaestor, had another *scriba* of his own (*Div.*, 29). This is my explanation of the two *scribae* with whom Cicero worked as quaestor (*Verr.*, iii, 182), and the two on Scipio's staff as proconsul in 187 B.C. (Livy, xxxviii, 55). Mommsen's view was that each quaestor had two *scribae* allotted to him, who were also at the disposal of his chief. My explanation is borne out by *AE*, 1921, 38-9, 'L. Marius Perpetuus scriba quaestorius, Sex. Serius Verus haruspex, L. Pomponius Carisianus scriba librarius, P. Papienus Salutaris scriba librarius'. Here the first *scriba* is the man officially allotted to the quaestor, the other two might be serving the proconsul or one of his *legati*. The latter might presumably be drawn from any *decuria* of *scribae* at Rome: this would account for a *scriba aedilicius* dying in Britain (*ILS*, 1883), presumably on the legate's staff.

and *praecones* employed by the governor, quaestor and *legati*, all drawn from the *decuriae* at Rome.<sup>26</sup>

The most interesting point which emerges from Cicero is that a place on the panels of the *scribae* was obtained by purchase.<sup>27</sup> Cicero waxes rather sarcastic over this method of appointment, whereby, as he says, any scallywag may rise, if he can scrape together the necessary cash, 'ex primo ordine explosorum in secundum ordinem civitatis,' but it does not seem generally to have reflected any discredit on the *ordo scribarum*. The precise working of the system is, like most corrupt practices, rather obscure. *Scribae* and other *apparitores* were nominated, it would appear, by the magistrates of the college which they served,<sup>28</sup> but once nominated they were irremovable save for misconduct. Plutarch tells of the difficulty which Cato as quaestor had in sacking two dishonest clerks at the treasury. One he succeeded in convicting of a private delict, but the other was acquitted by a tie of votes in the court of discipline, which consisted of the quaestors; Cato nevertheless refused to employ him or pay him his salary.<sup>29</sup> And not only had the *apparitor* a freehold in his office, but he could perform the services by deputy; the *Lex Cornelia de XX quaestoribus* expressly allows the *viatores* and *praecones* of the quaestors *vicarium dare subdere* and orders the quaestors to accept these *vicarii*.<sup>30</sup> Purchase presumably came in at this stage: Roman magistrates did not sell the original nominations, but the original nominees sold their practices to *vicarii*. The growth of a system of purchase implies that the service was lucrative, and if so the official salary, which Cicero says was small,<sup>31</sup> must have been regularly supplemented by perquisites in some form. I suspect that Cicero is somewhat disingenuous when he raises his hands with holy horror at the 4 per cent rake-off on the price of *frumentum emptum* which Verres entered *scribae nomine*.<sup>32</sup> This form of perquisite must have been fairly regular, if strictly illegal, for Verres to enter it openly on his accounts; there were no doubt many others less reputable.

The picture which I have endeavoured to draw of the Republican civil service will, I hope, correct the impression still too commonly given in textbooks that a Roman magistrate struggled single-handed with his official duties without any staff worthy of the name. Plutarch in a too little quoted passage of the *Cato minor*, draws a very different picture. In the Aerarium the *scribae quaestorii* were accustomed to have it all their own way, until the conscientious Cato, having carefully read up the regulations, created consternation among them by telling them what to do instead of signing on the dotted line like the average quaestor.<sup>33</sup> The *scribae*, at any rate, were men of a certain standing, as well as experience, and magistrates must have leaned a good deal on them, both on the accounting and judicial side of their work.<sup>34</sup> The subclerical grades were of a lower social status, but even among them lictors must have acquired considerable experience in court procedure. Cicero is very sarcastic about Verres' use of his subclerical officers as *iudices* and on his *consilium*,<sup>35</sup> but when we find a highly respectable proconsul of Africa under the Principate

<sup>26</sup> *pace* Mommsen the 'dec. lictor Fufid. Pollionis leg. Gal.' of *ILS*, 1914, was a member of the *decuriae* of lictors at Rome; the 'decurialis lictor cives urbius' who died at Burdigala (*ILS*, 1906) and the 'lictur decur.' at Nicomedia (*CIL*, III, 6987) would also be members of the urban *decuriae* serving in the provinces.

<sup>27</sup> *Verr.*, III, 184, cf. Suetonius, *Vita Horatii*, 'scriptum quaestorium comparavit,' and schol. on Juvenal, v, 3.

<sup>28</sup> Livy, XL, 29. In Bruns, *Fontes*<sup>7</sup>, 12, the exceptional nominations to the newly created places are made by the consuls, but normally quaestors appoint *viatores* and *praecones quaestorii*.

<sup>29</sup> Plutarch, *Cato minor*, 16, cf. Cic., *pro Cluentio*, 126 (the trial of a *scriba aedilicius* by a disciplinary court consisting of the aediles and praetors). Mommsen points out that the clause in Bruns, *Fontes*<sup>7</sup>, 12, ll. 11, 14, 'dum ni quem in eis viatoribus praeconibus legundeis sublegundeis in eius viatoris praeconis locum viatorem praeconem legant sublegant

quoius in locum per leges plebeive scita viatorem praeconem legei sublegei non licebit,' gives security of tenure to *apparitores* by defining the causes for which they may be replaced.

<sup>30</sup> Bruns, *Fontes*<sup>7</sup>, 12, ll. II, 24-30. Cf. *ILS*, 1936, 'hoc monumentum apparitorum praeconum aedilium veterum vicarium est,' *CIL*, VI, 1947, 'appar. aedilic. praec. vicar. veteribus.'

<sup>31</sup> *Verr.*, III, 182, 'tuus apparitor parva mercede populi conductus.' Other allusions to salary are Bruns, *Fontes*<sup>7</sup>, 12, ll. I, 1-6, II, 31-7, Plutarch, *Cato minor*, 16, and under the Principate, Frontinus, *de aqu.*, 100, and Pliny, *Ep.*, IV, 12.

<sup>32</sup> *Verr.*, III, 181.

<sup>33</sup> Plutarch, *Cato minor*, 16-18.

<sup>34</sup> Cicero in the *Verrines* is mainly interested in the financial side of a *scriba*'s work, but in *CIL*, VI, 1853, a *scriba* of the aediles claims to be 'iuris prudens', and in *ILS*, 1896, a *scriba quaestorius* boasts 'vixi iudicio sine iudice'.

<sup>35</sup> *Verr.*, III, 28, 57, 137.

recording as members of his *consilium* not only his own and his quaestor's *scribae* but his *haruspex*,<sup>36</sup> one wonders whether Verres' conduct was so exceptional or so scandalous.

These grades of clerical and subclerical officers survived under the Principate in the service of the old Republican magistrates, including the proconsuls, legates and quaestors of the provinces, and officers of similar grades were attached to the new magistracies and quasi-magistracies which were created in the early Principate: the *praefecti frumenti dandi*, for instance, and the *curatores aquarum* had their staff of *scribae librarii*, *accensi* and *praecones*, and the latter lictors and architects as well.<sup>37</sup> It is indeed during the Imperial period that we have most epigraphic evidence of these grades, by way of inscriptions either recording the careers of individuals or the corporate activities of the *decuriae*. These inscriptions show that much the same conditions prevailed as under the late Republic. Incidentally, we hear for the first time of another grade, the porters (*geruli*).<sup>38</sup> *Accensi* continued to be freedmen of the magistrates whom they served.<sup>39</sup> The other subclerical grades are of humble status, often freedmen.<sup>40</sup> *Scribae* continued to be of rather superior standing. A certain number proceeded to equestrian military posts; <sup>41</sup> others record with conscious pride the grant of a public horse; <sup>42</sup> many are honoured in their municipalities.<sup>43</sup> They evidently, as in Cicero's day, still clung to the lower fringe of the equestrian order. The inscriptions frequently record a man holding a large number of posts under different colleges of magistrates and often in different grades, but do not make it plain whether these posts were held successively or if the men concerned were pluralists holding places in a number of *decuriae* simultaneously. With the active officers are often associated the *munere functi*, or *honore usi*, presumably those who had sold out.<sup>44</sup>

The service survived at least until the sixth century,<sup>45</sup> and in the fourth and early fifth the *decuriales urbis Romae* were still vigorously maintaining their right to assist at certain legal processes and, what was more important in their eyes, to collect the fees.<sup>46</sup> Even at this late period they seem still to have served in the provinces,<sup>47</sup> and they were now recruited in the provinces.<sup>48</sup> But long before this time their duties seem to have become purely formal and their posts had in many cases become sinecures: even in Trajan's reign Frontinus complains that the *apparitores* of the *curatores aquarum*, though they still drew their salaries from the Aerarium, had ceased to function.<sup>49</sup> Meanwhile, to cope with the increasing mass of clerical work which the higher administrative standards of the Principate demanded, two new types of civil servant were evolving, the imperial slaves and freedmen

<sup>36</sup> *AE*, 1921, 38-9. Cf. *Dig.*, v, i, 82 (Ulpian, *de officio consulis*), 'Nonnumquam solent magistratus populi Romani viatorem nominatim vice arbitri dare, quod raro et non nisi re urgente faciendum est.'

<sup>37</sup> Frontinus, *de aqu.*, 100.

<sup>38</sup> *ILS*, 366, 504, 1534, 1909, 1940, 5021; they formed a *decuria*.

<sup>39</sup> e.g. *ILS*, 1942-4, 1946, 1948-50, 1952.

<sup>40</sup> e.g. *ILS*, 1902-3, 1910, 1915, 1918, 1923, 1926, 1932, 1938. A number of *scribae* also were freedmen, e.g. *ILS*, 1877-9, 1899, 1926.

<sup>41</sup> e.g. *ILS*, 1429, 1885, 1893, 2699, 2706, 4951a, *CIL*, vi, 1806, 1817, 1837, 1841, *AE*, 1925, 44, 1934, 1907.

<sup>42</sup> e.g. *ILS*, 1883, 2727, 2748, 6188, 6954, *CIL*, vi, 1832.

<sup>43</sup> e.g. *ILS*, 1886, 1889, 1898a, 1901, *AE*, 1927, 125.

<sup>44</sup> *munere functi*: *ILS*, 1033, 1893. *honore usi*: *ILS*, 331, 504, 2727, 9036, *CIL*, vi, 967a, 1008, 1854. Also *honore functi*: *ILS*, 1891. For the sale of *decuriae* under the Empire see *Frag. Vat.*, 272.

<sup>45</sup> This is to be inferred from the inclusion of the title '*de decuriis urbis Romae*' by Justinian in the *Codex* (xi, 14); cf. Cassiodorus, *Variae*, v, 22 (appointment of a *decuriarum rector*).

<sup>46</sup> *Cod. Theod.*, viii, ix, 1 (335), 'ordines decuriarum scribarum librarium et lictoriae consularis oblati precibus meruerunt, ut in civilibus causis et

editionibus libellorum officiorum sollemnitate fungantur ita ut vetusta aetate servatum est.' The heading of the title, 'de lucris officiorum,' supplies the motive. The privileges of the *decuriales* are confirmed in xiv, i, 2 (386), 3 (389), 4 (404), 5 (407), and 6 (409). Their fees are alluded to in laws 4 ('neque ab his commodis quae rationibus adprobentur audeat separare') and 6 ('emolumenta omnia per diversos erepta redhiberi decernimus').

<sup>47</sup> This is implied by *Cod. Theod.*, viii, ix, 1, which is addressed to a praetorian prefect and ends with the words 'rectores itaque quae iussimus observabunt', by xiv, i, 4, addressed *Exsuperantio Iulio et ceteris decurialibus*, which warns *singulos iudices* to observe their privileges, and by xiv, i, 6, where the *vicarius Africae* is instructed to take proceedings against those who have violated the rights of the *decuriae*. Among the officials attending the *Collatio Carthaginiensis* of 411 is the *scriba officii v.c. legati almae Carthaginis* (Mansi, *Concilia*, iv, 51, 167, 181). John Lydus (*de mag.*, ii, 30) records that at Constantinople in his day the *praetor Constantianus* had a *scriba*.

<sup>48</sup> *Cod. Theod.*, xiv, i, 3 (389), 'decurialibus quos binos esse ex singulis quibusque urbibus omnium provinciarum veneranda decrevit antiquitas.'

<sup>49</sup> Frontinus, *De aqu.*, 101, 'apparitores et ministeria quamvis perseveret adhuc aerarium in eos erogare, tamen esse curatorum videntur desisse inertia et segnitia non agentium officium.'

who assisted the secretaries and procurators and the military clerks who formed the *officia* of provincial governors.

Under the first heading I do not intend to speak of such important functionaries as *a rationibus*, *ab epistulis*, or the provincial procurators, who fall rather in the administrative grade. My concern is with the *proximi*, *melloproximi* and *adiutores* of the imperial secretariats, and the cashiers and accountants—*dispensatores*, *arcarii*, *tabularii* and the like—who served in the financial offices. These remained imperial slaves or freedmen to the end of the Principate, when the heads of their departments had long become *equites*.<sup>50</sup> There are two principal points which I want to make about these lower grades. One is how remarkably economical the service was, for the emperor's purse at any rate, if not for the public. I do not claim to have looked more than cursorily through the immense mass of inscriptions, mainly tombstones, in which are recorded the family relationships and the careers of these humble folk, but I gained a strong impression that the emperors were very rarely reduced to buying slaves. Under the early Principate in particular the second names, such as Pallantianus or Agrippianus, which many bear, show that they accrued by inheritance to the emperor from friends or members of his family, client kings, and not least from the great imperial freedmen; many more must have begun their career as *vicarii* of imperial slaves, and been added to the *familia* on their master's death. In the later centuries one is struck by the number who were born in the emperor's service. Since most of the records are tombstones, and an imperial slave was normally manumitted while still in the prime of life, the number of records of imperial slaves is relatively small. But of them a high proportion record themselves as *Caesaris vernae*, and a number who do not call themselves *vernae* can be proved to have been such. There are countless inscriptions of a freedman father and his children, who are still *Caesaris nostri servi*, or must have been so originally, since they are by now *Augusti liberti*. More exceptionally a son who is *Augusti libertus* records aged parents still slaves of Caesar. It would almost seem that the imperial government deliberately postponed the manumission of an imperial slave until he had produced a sufficient number of children born in servitude to carry on the service. As a result the service must in the second and third centuries have been almost entirely hereditary.<sup>51</sup>

The emperor thus incurred no capital expense in recruiting his service. On the other hand, that the emperor drew considerable profits from his *familia* is, I think, proved by the existence, from as early as the time of Claudius, of a *fiscus libertatis et peculiorum* to collect them.<sup>52</sup> How considerable the *peculia* of imperial slaves might be is indicated by the inscription set up to Musicus, a slave of Tiberius, who occupied the not very elevated position of a *dispensator* in the *fiscus Gallicus provinciae Lugdunensis*, by his domestic staff: they numbered sixteen, and included a *negotiator* to manage his business affairs, a *sumptuarius* to control his household expenditure, two cooks, two footmen (*pedisequi*), a valet (*a veste*), two chamberlains (*a cubiculo*), two butlers (*ab argento*), three secretaries (*a manu*), a doctor, and a lady whose functions are discreetly veiled. The emperor certainly secured this little group of slaves, as well as the silver plate and the wardrobe they looked after, for Musicus died still a slave.<sup>53</sup>

The term *libertatis* has puzzled commentators, who have generally rather reluctantly concluded that it must refer to the *vicesima libertatis*,<sup>54</sup> and expressed justifiable surprise that the *fiscus libertatis et peculiorum* should have dealt with matters so disparate as a public tax which flowed into the Aerarium, and the property of the emperor's defunct slaves. I should like to suggest that *libertatis* in this context meant the sums paid for their freedom by imperial slaves. It was normal in the ancient world for slaves to purchase

<sup>50</sup> There are several studies of the imperial civil service, notably Hirschfeld's *Verwaltungsbeamten*, but these have concentrated mainly on the functions of the various officials, and the recruitment and promotion of the equestrian grades. I know of no recent study of the humbler personnel from the social aspect: it would be a promising subject for a thesis.

<sup>51</sup> For the reason given in the text I forbear to give references, which to be of any statistical value would have to be exhaustive.

<sup>52</sup> *CIL*, vi, 8450 a, *ILS*, 1521, 1522.

<sup>53</sup> *ILS*, 1514.

<sup>54</sup> Hirschfeld, *Verwaltungsbeamten*, 108–9.

manumission, and in the huge imperial *familia* these payments must have been a regular and sizeable source of income. Even when an imperial slave had won his freedom the emperor had, like any other patron, certain claims on his services (*operae*) and, when he died, on his inheritance, which no doubt swelled the takings of the *fiscus libertatis et peculiorum*.

The second point which I wish to make is that even slaves of Caesar enjoyed a relatively high social station and an adequate income. Some married female imperial slaves or freedwomen, but the majority seem to have contracted unions with freedwomen outside the imperial *familia*, or with women of free birth; these by a special dispensation from the *SC Claudianum* became imperial freedwomen, the children of the marriage being claimed as slaves of the emperor. Imperial slaves were able to rear families, and to acquire their own domestic slaves; bachelors, like Musicus, could maintain a considerable household of slaves. One may reasonably ask whether the *commoda* furnished by the Fiscus were calculated on so generous a scale as to allow for these luxuries. It seems improbable, and the conclusion is, I think, that imperial slaves must have regularly made a good deal on the side by way of fees and perquisites from the public.<sup>55</sup>

The other form in which a civil service developed was by seconding soldiers for staff duties.<sup>56</sup> The system had its roots in the practice of the late Republic, when we find picked soldiers, styled *beneficiarii*, attached to the person of a commander.<sup>57</sup> The earliest allusion to it under the Principate is the statement of Tacitus that when Gaius withdrew Legion III *Augusta* from the command of the proconsul of Africa, the legate of the legion and the proconsul shared the *beneficia*.<sup>58</sup> Later, as higher grades were created, the term *beneficiarii* came to be limited to the lower grades.<sup>59</sup> As reconstructed by Domaszewski from the inscriptions the standard form of what came to be called the *officium* of a *legatus Augusti pro praetore* was a centurion as *princeps praetorii*,<sup>60</sup> three *cornicularii*,<sup>61</sup> three *commentarienses*,<sup>62</sup> ten *speculatores* per legion he commanded,<sup>63</sup> and a large number of plain *beneficiarii*—thirty are recorded on an inscription of a legate of Numidia who shared his staff equally with the proconsul of Africa: so sixty would be the norm.<sup>64</sup> The higher grade officers, the *princeps*, *cornicularii* and *commentarienses* were assisted by *adiutores*.<sup>65</sup> Little is known of the functions attaching to the various grades, except that *speculatores* and perhaps *commentarienses* were concerned with the custody of prisoners and the execution of the condemned.<sup>66</sup> There were, in addition, numerous minor grades, such as *quaestionarii* (torturers),<sup>67</sup> and various types of clerks, *exceptores*, *exacti*, *librarii*,<sup>68</sup> as well as equeries (*stratores*)<sup>69</sup> and a numerous bodyguard of *equites* and *pedites singulares*.<sup>70</sup>

The staffs of this type were allocated to all *legati Augusti pro praetore*, and also, it would seem, though there is no epigraphic evidence, to proconsuls. It is certain, despite

<sup>55</sup> See n. 51; for the *SC Claudianum* see Buckland, *The Roman Law of Slavery*, 417.

<sup>56</sup> The basic study is here von Domaszewski, *Die Rangordnungen des römischen Heeres*, hereinafter cited as Dom.

<sup>57</sup> Caesar, *BC*, I, 75, III, 88.

<sup>58</sup> *Hist.*, IV, 48.

<sup>59</sup> *Beneficiarii* (*beneficia*) seem to be used in Tacitus (loc. cit.) and Pliny, *Ep.* x, 21, 27, to cover all grades, for all the *officia* in question would have included *cornicularii*, and those of the proconsul and legate in Africa other grades as well. Cf. *ILS*, 2073, 'Sex. Cetri Severi spec. beneficiarii Getae ab comentaribus custodiaru.' and *CIL*, III, 6754, 'Bb. et cornicularii eius.'

<sup>60</sup> *IGRR*, III, 1230, *AE*, 1916, 29: a centurion of the *officium* is recorded in Pliny, *Ep.*, x, 21, *Dig.*, XLVIII, ii, 73, *ILS*, 1880, *AE*, 1946, 227.

<sup>61</sup> Dom., 29–31, *ILS*, 1093, 2382, *CIL*, XIII, 6803.

<sup>62</sup> Dom., 31, *ILS*, 2382, *CIL*, XIII, 6803.

<sup>63</sup> Dom., 32, *ILS*, 2375, 2382, 2648, *CIL*, VI, 4122.

<sup>64</sup> *ILS*, 2381 and *AE*, 1918, 57, both show thirty *beneficiarii* in the legate's *officium*. Tacitus' words 'aequatus inter duos beneficiorum numerus' seem to be literally correct, for in *ILS*, 2381, the legate

has two *cornicularii*, two *commentarienses*, and four *speculatores* out of a total of three plus three plus ten. To judge by their frequency in the inscriptions *beneficiarii consularis* must have been numerous.

<sup>65</sup> *Adiutor principis*: *ILS*, 2448, 4837, *CIL*, II, 6111, *AE*, 1916, 29. *Adiutor corn.*: *ILS*, 2391, 2586, 3035, 9170, *IGRR*, III, 1008. *Adiutor comm.*: *ILS*, 9076, *AE*, 1933, 61.

<sup>66</sup> *Speculatores*: Seneca, *de benef.*, III, 25, *de ira* I, 18, §4, Mark, VI, 27, Firm. Mat., *Math.*, VIII, 26, *Dig.*, XLVIII, xx, 6. This last passage speaks first of *speculatores* and *optiones* and then of *optiones siue commentarienses*, but the last two words may well be an interpolation. A *commentariensis* appears in the *Acta S. Pionii*, 21, and a *speculator* executed Cyprian (*Acta proconsularia*, 5).

<sup>67</sup> *ILS*, 1162, 2381, 2383, 4496.

<sup>68</sup> Dom., 37.

<sup>69</sup> *ILS*, 1357a, 1358, 2418, 2419a, 2587, *CIL*, III, 10315, *AE*, 1935, 100. 'Unus strator officii Galerii Maximi proconsulis' and 'alius equestrator a custodiis eiusdem officii' arrested Cyprian (*Acta Proconsularia*, 2).

<sup>70</sup> *ILS*, 486, 2416–8, 2588, 3456, *CIL*, III, 14387 f, VIII, 9763, *AE*, 1935, 100.



the lack of inscriptions, that the proconsul of Africa had a military *officium*, drawn from the Legio III *Augusta*, as well as a civilian staff of *scribae*, etc., both from Tacitus' remarks and from the fact that the legate of Numidia had an *officium* of half the normal size.<sup>71</sup> The ruling of Ulpian that proconsuls cannot have their own *stratores*, but in their place soldiers perform the duty in the provinces, shows that proconsuls were allocated some military personnel to attend them,<sup>72</sup> and a *commentariensis* is attested for the proconsul of Asia in A.D. 250.<sup>73</sup> The prefects of the City, of the *praetorium*, of the *annona* and of the *vigiles*,<sup>74</sup> and procurators, both praesidial and financial, had smaller staffs on a similar model; it will be remembered that Pliny as legate of Bithynia allocated ten *beneficarii* to the procurator of the province and a centurion, two *equites* and ten *beneficarii* to the prefect of the Pontic shore.<sup>75</sup> When the officer concerned had troops under his command the men were taken from these troops; the *officia* of the prefects of the City, the *praetorium* and the *vigiles* came from the urban and praetorian cohorts and the *vigiles* respectively, and the legates of the military provinces drew from their own legions. Legates of provinces which had no legions drew their staffs from any unit stationed in their area—the legate of Gallia Lugdunensis, for instance, from the urban cohort stationed in Lugdunum<sup>76</sup>—or failing that, from the legions of a neighbouring province.<sup>77</sup>

Service on the staff was a considerable promotion for the legionary private, and the inscriptions suggest that once on the staff a soldier stayed there, unless as not infrequently happened he obtained a commission as a centurion. Inscriptions record promotion from *beneficiarius* or *speculator* to the higher grades of *commentariensis* and *cornicularius*.<sup>78</sup> An interesting case is a soldier of the first urban cohort at Lugdunum, who joined up in 73, was promoted *beneficiarius* in or before 79, and *commentariensis* in 84, serving on the staff of three successive legates. On completing his service in 88 he was *evocatus* and two years later promoted centurion of his original cohort.<sup>79</sup> Another inscription, probably of the third century, from Arabia, shows a man starting as *beneficiarius* and being promoted successively to *commentariensis*, *cornicularius*, and finally centurion of the *officium*.<sup>80</sup> Other inscriptions show that some men were selected for staff duties immediately upon enlistment; M. Aur. Augustianus first served for four years as *exceptor* of the governor of Moesia Superior, then was transferred to the praetorian guard, where he served for five years in another clerical post as *eques sive tabularius*, after which he was promoted centurion.<sup>81</sup> By the third century at any rate a separate cadre of *officiales* was already forming which had very little connection with the fighting troops.

*Officiales*, being of the rank of N.C.O's, received quite good pay, which they would supplement with sundry perquisites. Ulpian in his book *de officio proconsulis* mentions one of these, *panniculariae*, or the personal effects of executed prisoners. The *speculatores*, *optiones* or *commentariensis*, he rules, should not be allowed to seize them, nor should a governor pocket them for himself. The best plan is to build up from them a fund for supplying paper to the officials, or rewards of bravery to the troops, or presents to barbarian envoys. Some scrupulous governors transmitted these paltry sums to the Fiscus, but this, in Ulpian's view, 'perquam diligentiae est.'<sup>82</sup> This new type of civil service, it may be noted, differed from the old Republican service in that its members did not go out with the governor from Rome to his province but were permanently attached to a particular province, serving a succession of governors. This distinction is noted by Paulus, who

<sup>71</sup> See n. 64. A *speculator* executed Cyprian when he was condemned by the proconsul of Africa (*Acta proconsularia*, 5).

<sup>72</sup> *Dig.*, I, XVI, 1, cf. n. 69.

<sup>73</sup> *Acta S. Pionii*, 21.

<sup>74</sup> *Dom.*, 6 ff., 17, 20–22; for the *praefectus annonae*, *ILS*, 2082.

<sup>75</sup> Pliny, *Ep.*, x, 21, 27; for epigraphic references see *Dom.*, 66–7, and *ILS*, 1389, 1428, *AE*, 1937, 87, 1939, 60, 1944, 38 (*cornicularii*), *ILS*, 4071, 6146, 9127, 9129, 9130 (*beneficarii*).

<sup>76</sup> *ILS*, 2118: so also did the procurator, *AE*, 1935, 16.

<sup>77</sup> *Dom.*, 64–6.

<sup>78</sup> *ILS*, 2118, *CIL*, III, 9908, VIII, 17635 (*bf. to corn.*), *ILS*, 2379, *CIL*, III, 4179 and 4145, XIII, 1732 (*spec. to comm.*).

<sup>79</sup> *ILS*, 2118.

<sup>80</sup> *ILS*, 8880.

<sup>81</sup> *ILS*, 2173.

<sup>82</sup> *Dig.*, XLVIII, xx, 6. This passage unfortunately cannot be used to prove that proconsuls had *speculatores*, etc., as Ulpian, though writing *de officio proconsulis*, is clearly thinking of a legate with troops under him on the frontier.

rules that 'praesidis provinciae officiales, quia perpetui sunt', are allowed to lend money at interest, contrary to the usual rule which forbade governors and their staffs to have business dealings with the provincials.<sup>83</sup> Such officials, who not only knew the ropes of procedure, but were also familiar with local conditions, must have had a great advantage over the governor new both to the routine of administration and to the district he had to administer.

During the first two centuries of the Principate the *officia* seem to have been mainly concerned with judicial and police duties. Most of the officers whom they served—the three great prefects at Rome, and legates and proconsuls in the provinces—had little or no financial work. Procurators had two separate staffs, a military *officium* to assist them in their judicial duties and a *familia* of slaves and freedmen to deal with accounts. During the third century, however, the praetorian prefects and the provincial governors began, owing to the growing importance of the *annonae militaris*, to require accounting staff, and there is some evidence in the inscriptions that they satisfied this demand by adding military accountants to their staff. I have already mentioned Aurelius Augustianus, who served as 'eques sive tabularius' in the praetorian prefecture—evidently an important post as he was promoted direct to centurion from it.<sup>84</sup> In the provinces also we meet with soldiers who served as *librarii* or *adiutores* in the *officium rationum*.<sup>85</sup>

The common statement, based on the words of Lactantius, 'officiorum omnium milites,'<sup>86</sup> that Diocletian militarized the civil service, needs considerable qualification. On the one hand, the larger and more important half of it was already military—the *officia* of the praetorian prefects and of all provincial governors: and the *officia* of the deputies or *vicarii* of the praetorian prefects were naturally formed on the same model. On the other hand, there is good evidence that there was still a substantial freedman element in the civil service at the end of Diocletian's reign. In the persecution edict which he issued in 303 not only were Christians possessed of any τιμή, that is senators and equestrians, deprived of it, but οἱ ἐν οἰκεταίῃς were reduced to slavery.<sup>87</sup> Οἱ ἐν οἰκεταίῃς is an odd phrase, but evidently denotes government employees of some kind, and the penalty of enslavement seems appropriate for freedmen; it certainly cannot mean military *officiales*, who, incidentally, would by 303 have already been purged when Christians were expelled from the army in 298. *Augusti liberti* are then probably meant—the Latin original may have been something like *in familiis Caesaris*. This interpretation is confirmed by a comparison of Diocletian's edict with that of Valerian in 257, which deprived Christian senators and *equites* of their rank, and ordered *Caesariani* to be sent in chains to imperial estates.<sup>88</sup>

Even in the highly favoured palatine offices, the *sacra scrinia* or secretariats and the financial departments of the *res summa* (*largitiones*) and *res privata*, the transition from freedman to military status seems to have been gradual, by the grant of successive privileges, and not yet to have been complete in Constantine's reign. In a constitution dated 319,<sup>89</sup> Constantine, after granting certain immunities to retired *palatini*, adds *agentes in rebus* to the list of beneficiaries 'licet meritis militaribus videantur esse subnixi'. It would seem then that the *palatini* were not by this date *milites*. Again in 326 he grants the right of

<sup>83</sup> *Dig.*, XII, i, 34.

<sup>84</sup> *ILS*, 2173. Probably the *scriniarius praeef. praetor.* of *AE*, 1933, 248 (cf. *CIL*, III, 13201, 'Ael. Aelianus eq. praet. et Ulp. Licinius a scr. praeef.') and the *primiscrinii castrorum praeef.* (*ILS*, 9074) are financial officers; for, though *scrinium* is a general term covering any department on the judicial as on the financial side, *scriniarius* was in later times the technical term for a finance clerk (see n. 111) and in the urban prefecture the *primiscrinii* was the head of the finance branch (see Appendix, p. 54).

<sup>85</sup> *ILS*, 2392, 2424, *CIL*, III, 7979.

<sup>86</sup> *de mort. pers.*, 31. The most important work on the Byzantine *officia* is Ernst Stein, *Untersuchungen über das Officium der Prätorianerpräfektur seit Diokletian* (Wien), hereinafter cited as Stein.

<sup>87</sup> Eusebius, *Mart. Pal.*, I, τοὺς μὲν τιμῆς ἐπιλημμένους ἀτίμους, τοὺς δὲ ἐν οἰκεταίῃς εἰ ἐπιμένοντες τῇ τοῦ Χριστιανισμοῦ προθέσει ἐλευθερίας στερήσκεισθαι.

<sup>88</sup> Cyprian, *Ep.*, LXXX, 'senatores vero et egregii viri et equites Romani dignitate amissa etiam bonis spoliuntur et si ademptis facultatibus Christiani perseveraverint capite quoque multentur . . . Caesariani autem quicumque vel prius confessi fuerant vel nunc confessi fuerint confiscantur et vincti in Caesarianas possessiones descripti mittantur.' For *Caesariani* under the principate see *IGRR*, IV, 598.

<sup>89</sup> *Cod. Theod.*, VI, XXXV, 3. Seeck in the *Regesten* rightly rejects Mommsen's doubts as to the date.

*castrense peculium* to all *palatini*, which would not have been necessary had they been already *militēs*, and moreover justifies the innovation by a long rhetorical argument.<sup>90</sup> Nor were military ranks ever introduced. The chief clerks of the *sacra scrinia* were still graded as *proximi* and *melloproximi*.<sup>91</sup> The *palatini* of the finance offices had a peculiar system of grading of which I can find no trace under the Principate, but which is clearly not military. The higher officials had by the mid-fourth century achieved equestrian status, and were graded *perfectissimi*, class I, II, or III, *ducenarii* and *centenarii*. Below these come *epistulares*, who seem to represent the lowest equestrian grade, the *sexagenarii*, and at the bottom of the scale the remainder of the clerks are graded as *formae primae, secundae* and *tertiaae*.<sup>92</sup> A similar classification into these *formae* is found among the *castrensiāni* or personal household, and this suggests that it was the mark of originally servile establishments.<sup>93</sup>

In the provinces part of the slave or freedman element appears to survive during the fourth century under the style of *Caesariani*, who formed the staffs of the *rationales rei privatae*, the successors of the provincial *procuratores rationis privatae* and *patrimonii* of the third century.<sup>94</sup> They are always spoken of in the Codes in terms of the most violent obloquy, and the story which Ammianus tells, that a band of brigands in Syria successfully impersonated the *officium* of the *rationalis*, and carried off all the chattels of the leading citizens of a town on the pretence that they had been confiscated, suggests that the evil reputation of the *Caesariani* was not undeserved.<sup>95</sup> Whether there were also *Caesariani* on the staffs of the *rationales summarum*, who took the place of the provincial procurators, does not appear.<sup>96</sup>

The majority, however, of the provincial procurators developed into *praesides*. In Diocletian's day *praesides* seem still to have possessed a freedman *familia* besides their military *officium*, for Eusebius records among the martyrs of Palestine, one Theodulos τῆς ἡγεμονικῆς τυγχάνων οικετίας.<sup>97</sup> By 319 the freedmen *tabularii* had acquired military status and were absorbed into the *officium*.<sup>98</sup> The process of fusion was no doubt facilitated by the fact that in the offices of the praetorian prefects and the *consulares* of provinces, who had possessed no slave or freedman *familia*, military *officiales* already existed to deal with the finance. *Tabularii*, or as they preferred to be called in the Byzantine period *numerarii*,<sup>99</sup> continued, perhaps as a result of their mixed origin, to hover on the borderline of military or servile officials. Constantine towards the end of his reign made the provincial *numerarii* liable to torture,<sup>100</sup> and Julian definitely deprived of their military status not only those in the provinces but even those in the praetorian prefecture, making them *condicionales*.<sup>101</sup> This measure was revoked by Valentinian and Valens in respect of the

<sup>90</sup> *Cod. Theod.*, vi, xxxvi, 1, 'sed nec alieni sunt a pulvere et labore castrorum qui signa nostra comitantur, qui praesto sunt semper actibus, quos intentos eruditus studiis itinerum prolixitas et expeditionum difficultas exercet.'

<sup>91</sup> *Proximi*: *Cod. Theod.*, vi, xxvi, *passim*. *Melloproximi*: vi, xxvi, 16, 17; AE 1941, no. 101 gives 'v(ir)p(erfectissimus) ex prox(imis) mem(oriae)' for which see A. Degraisi, *Doxa* II, 1949, 105. For these ranks among the imperial freedmen of the Principate, see *ILS*, 1477, 1485, 3703 (*proximi*), 1478 (*melloproximus*).

<sup>92</sup> *Cod. Theod.*, vi, xxx, 7 (= *Cod. Just.*, xii, xxiii, 7).

<sup>93</sup> *Cod. Theod.*, vi, xxxii, 2.

<sup>94</sup> *Cod. Just.*, x, 1, 5 (Diocletian and Maximian), *Cod. Theod.*, x, vii, 1 (317), viii, 2 (319), ix, xlii, 1 (321), x, 1, 5 (326), vii, 2 (364); also Bruns, *Fontes*<sup>7</sup>, 95. That they served *rationales* appears from the law of 319, which is addressed 'ad Priscum rationalem' and from *Cod. Just.*, ix, xlix, 9 (= *Cod. Theod.*, ix, xlii 1), where the by then obsolete term *Caesariani* is explained as *catholiciani* (καθολικός = *rationalis*).

<sup>95</sup> Amm. Marc., xxviii, ii, 13.

<sup>96</sup> *Cod. Just.*, x, 1, 5, and *Cod. Theod.*, x, viii, 2, show that *Caesariani* dealt with confiscations, which were the province of the *res privata*.

<sup>97</sup> Eus., *Mart. Pal.*, 11, 24.

<sup>98</sup> *Cod. Theod.*, viii, 1, 1, 'Dudum sanximus, ut nullus ad singula officia administranda ambitione perveniat, vel maxime ad tabularios, nisi qui ex ordine vel corpore officii uniuscuiusque est.' The date is confirmed, as against Mommsen and Seeck, by the use of the term *tabularii*, which was soon superseded by *numerarii* (see next note): Ensslin has noted this (P-W, xvii, 1297).

<sup>99</sup> *Numerarii* is used from 334 (*Cod. Theod.*, viii, 1, 4, cf. 6, 7, 8) in all offices. In 365 (*tit. cit.*, 9) *numerarii* of *consulares* and *praesides* were ordered to be called *tabularii*. This rule still prevailed in the West in the early fifth century, as the *Notitia Dignitatum* (*Occ.*, xliii, xlv, xlv) shows. In the East it still prevailed in 382 (*Cod. Theod.*, viii, 1, 12) but in the *Notitia* (*Or.*, xliii, xlv) *numerarii* has again become the title in provincial offices.

<sup>100</sup> *Cod. Theod.*, viii, 1, 4.

<sup>101</sup> *tit. cit.*, 6, 7, 8.

*numerarii* of the prefects,<sup>102</sup> and apparently provincial *tabularii* and *numerarii* later reacquired their military status. But even in the sixth century the judicial grades affected to despise the finance officials as outsiders.<sup>103</sup>

The *officia* of the praetorian and urban prefects, vicars and provincial governors, as recorded in the fifth century by the *Notitia Dignitatum*, still show obvious affinities with the *officia* of the Principate.<sup>104</sup> All are headed by a *princeps*<sup>105</sup> and a *cornicularius*<sup>106</sup> and contain a *commentariensis*:<sup>107</sup> by this date this last officer certainly handled criminal cases and had custody of prisoners.<sup>108</sup> The lower grades of *speculator*<sup>109</sup> and *beneficiarius*<sup>110</sup> have by now disappeared, but both are occasionally mentioned in the constitutions and authors of the fourth century. Various other grades have appeared. I have already discussed the financial officers, the *numerarii* or *tabularii*, under whom were a host of *scriniarii*, from whom they selected their *adiutores* and *chartularii*.<sup>111</sup> Prefects and vicars have also *curae epistularum* to conduct their correspondences on financial matters,<sup>112</sup> and the praetorian prefects *regendarii* to control the public post.<sup>113</sup> On the judicial side the *adiutor*<sup>114</sup> of the *princeps* achieves independent rank, and an *ab actis*<sup>115</sup> and in some offices an *a libellis*<sup>116</sup> appear. Below them come a greatly increased number of *exceptores*, or shorthand writers, from whom were drawn the *adiutores* and *chartularii* of the higher officers.<sup>117</sup> None of the new judicial offices was created before 331 when a constitution envisages direct promotion from *exceptor* to *commentariensis*.<sup>118</sup> None (except a *libellensis*, and he does not seem to be an established officer) appears in the *ordo salutacionis* of the province of

<sup>102</sup> *tit. cit.*, II.

<sup>103</sup> John Lydus, III, 35. Stein (p. 20) appears to believe John's allegation that the financial officials of the prefecture were civilian employees till Theodosius I gave them their military status. John cites, it is true, αἱ πολλαὶ μάτρικες for this, but the *Codex* proves that he was mistaken. He may have found some old *matriculae* of the period 362–5, when the *numerarii* were *condicionales*, and generalized from these.

<sup>104</sup> There is a handy comparative table of *officia* at the end of Seck's edition of the *Notitia*. The apparent confusion is largely due to the varying position in which the new posts of the *adiutor* and *numerarius* were inserted in the order of precedence.

<sup>105</sup> In *Cod. Theod.*, I, xvi, 7 (331), cited on p. 51, the *princeps officii* appears to be still called a centurion. The *princeps* of the Praetorian Prefect of the East still carried the centurion's *vitis* in Justinian's reign (John Lydus, II, 19).

<sup>106</sup> *Princeps* and *cornicularius* are mentioned as heads of the *officium* in Bruns, *Fontes*<sup>7</sup>, 103, *Cod. Theod.*, VIII, iv, 10, VI, xxvi, 5.

<sup>107</sup> *Princeps*, *cornicularius*, *commentariensis* (and *numerarius* or *tabularius*) are listed as the principal officers of every *officium* in *Cod. Theod.*, VIII, xv, 3 (364), 5 (368).

<sup>108</sup> *Cod. Theod.*, IX, xl, 5 (364), VIII, xv, 5 (368), IX, iii, 5 (371), 6 (380), 7 (409), John Lydus, III, 16–17.

<sup>109</sup> Athanasius, *Apol. c. Arianos*, 8, καὶ παρὶν σπεκουλάτωρ καὶ κομεντάριος ἡμᾶς εἰσήγεν (at the Council of Tyre, 335), 83, ὁ μὲν γράψας αὐτὰ Ρούφος ἐστὶν ὁ νῦν ἐν τῇ Αὐγουσταλιανῇ σπεκουλάτωρ. (Rufus who recorded the minutes of the Mareotic Commission in 335—presumably as an *exceptor*—was by c. 350 a *speculator* in the office of the Augustal Prefect), *Cod. Theod.*, VIII, iv, 16 (389), 'ordinarium iudicum apparitores, qui vel *speculatorum* vel *ordinarium* attigerint gradum, nullo annorum numero, nulla stipendiorum contemplatione laxentur, priusquam primipili pastum digesta ratione compleverint.' *Ordinarii* are also mentioned in VIII, xv, 3 (364), as high grade *officiales*, and appear in the *Notitia* (Or., xxxvii) in the praesidial *officium* of the *dux Arabiae* between *cornicularius* and *commentariensis*.

<sup>110</sup> *CIL*, III, 14068 (bf. *cos.* under Diocletian and Maximian), Eus., *HE*, IX, 9 (Maximinus' edict of 311), *Cod. Theod.*, VIII, iv, 5 (date uncertain), 7 (361).

<sup>111</sup> *Cod. Just.*, XII, xlix, 10, John Lydus, III, 31, 35. In the *Notitia scriniarii* are mentioned only for the proconsul of Asia (Or., xx) in the civil *officia*. An *adiutor numerorum* of the vicar of Africa is recorded in Mansi, IV, 51, 167, 181 (*Collatio Carthaginiensis* of 411).

<sup>112</sup> John Lydus, III, 4, 5, 21, Cassiodorus, *Variae*, XI, 23. Besides the praetorian and urban prefects and vicars, the *praefectus Augustalis* had a *cura epistularum*, but not the *Comes Orientis*, perhaps because his original functions did not include finance (see n. 116).

<sup>113</sup> Stein, 61 ff., arguing from Cassiodorus, *Variae*, XI, 29, and John Lydus, III, 4, 21, corrects the *regerendarius* of *Not. Dig. Or.*, II, iii, *Occ.*, II, iii, to *regendarius*: the office has no connection with the *regerendarius* of the Western military offices.

<sup>114</sup> Stein, pp. 57 seqq.: he is also called *subadiuva* or *primiscrinus*.

<sup>115</sup> John Lydus, III, 20, Cassiodorus, *Variae*, XI, 22, *Cod. Just.*, I, xxvii, I, §26, II, vii, 26, §3.

<sup>116</sup> The office is recorded for proconsuls, consulars and *praesides* of the East (*Not. Dig. Or.*, xx, xxi, xxvii, xliii, restored in xlv) and for the *Comes Orientis* (*op. cit.*, xxiii), perhaps because he had not originally the ordinary functions of a vicar, but, like other *comites provinciarum*, received the complaints of the provincials (*Cod. Theod.*, I, xvi, 6, 7).

<sup>117</sup> The system is explained by John Lydus, III, 9–10, cf. 17, 27. Cf. *Cod. Theod.*, I, xvi, 7 (331, *adiutores* of the *princeps*), VIII, iv, 10 (365, of *princeps* and *cornicularius*), IX, iii, 5 (371, of *commentariensis*), Mansi, IV, 51, 167, 181 (411, of *cornicularius* and *commentariensis*), 181 (of *subadiuvae*, i.e. *adiutor*), *Cod. Just.*, II, vii, 26, §3 (524, of *ab actis*). The *adiutores* who appear in the *Notitia* immediately after the *exceptores* in the offices of Western proconsul, vicars, consulars, *correctores*, and *praesides* may be the same. But the *subadiuvae* of the praetorian and urban prefects seem to be the assistants of the *numerarii* or *primiscrinus* whom they follow.

<sup>118</sup> *Cod. Theod.*, VIII, I, 2.

Numidia in Julian's reign.<sup>119</sup> The *Notitia* with a few exceptions records only clerical officers and ignores the rich profusion of subclerical grades—*singulares*, *mittendarii*, *cursores*, *nomenclatores*, *stratores*, *praecones* and *draconarii*—which form the tail of the *officium*.<sup>120</sup>

On the status and emoluments of civil servants in the Byzantine period we have abundant evidence in the Codes. With the exceptions noted above, all were technically soldiers; officials in the praetorian prefecture were, we happen to know, on the strength of Legio I *Adiutrix*.<sup>121</sup> They wore military uniform<sup>122</sup> and received rations (*annona*), and in some cases fodder (*capitum*), which were, or could be, issued in kind down to A.D. 423, when they were compulsorily commuted at rates fixed by the praetorian prefecture.<sup>123</sup> But their military status was purely nominal, and their form of *militia* is from the first clearly distinguished from the *armata militia* of real soldiers.<sup>124</sup> In status a sharp line must be drawn between the provincial officials, the *cohortales*, as they are generally called, and those of the centre, the *palatini*, with whom may be classed the *vicariani* and *praefectiani*.<sup>125</sup> Constantine made service in all the *officia* a hereditary obligation,<sup>126</sup> but it was only necessary to enforce this rule in the provincial *officia* where service was unpopular.<sup>127</sup> The contempt in which *cohortales* were held is demonstrated by Julian's action in enrolling the clergy of Cappadocian Caesarea in the *officium* of the provincial governor.<sup>128</sup> Similarly the rule forbidding officials to aspire to any other, and higher, *militia*, which in the fourth century was applied even to *praefectiani*,<sup>129</sup> was by the fifth only imposed on *cohortales*, and on them it was enforced with ever increasing rigour: in the early fifth century a *cohortalis* could be promoted outside his own *officium* only by a personal grant of the emperor,<sup>130</sup> but in 442 even such special grants were declared null and void.<sup>131</sup> In the fifth and sixth century laws *cohortales* and *curiales* are regularly classed together as the two hereditary castes to whom any kind of promotion was forbidden.<sup>132</sup>

By contrast a post in the palatine ministries or the praetorian prefecture was a coveted prize. Substantial fees were paid for enrolment—the admission fee to the prefecture had risen from 5 to 20 *solidi* in Justinian's reign,<sup>133</sup> and that to the *sacra scrinia* was 15 or 20<sup>134</sup>—but despite this staffs tended continually to swell and the constant effort of the emperors was to cut them down.<sup>135</sup> Their efforts were in general unavailing, for so soon as an

<sup>119</sup> Bruns, *Fontes* 7, 103. The office of a *libellis* does not appear in the Western section of the *Notitia* at all. The earliest records of an *adiutor* or *primiscrinii* as an independent official are the *primiscrinii* of the *vicarius urbis Romae* in *Cod. Theod.*, VIII, viii, 2 (379), and the *adiutor urbani officii* of Symm., *Rel.*, 23, 67 (385).

<sup>120</sup> Found in the praetorian prefecture of Africa as established by Justinian (*Cod. Just.*, I, xxvii, 1, §29–35). John Lydus mentions *singulares*, *cursores*, *nomenclatores* and *praecones*, as well as other obscure grades in the praetorian prefecture of the East (III, 7 and 8). The *Notitia* records only *singulares* of the praetorian and urban prefects and the proconsul of Africa and Western vicars, and *nomenclatores* and *censuales* of the urban prefect. For lesser *officia* the evidence is scanty, but we hear of *stratores* of a proconsul (*Cod. Theod.*, XIII, xi, 6) and even of a *rationalis* (ib., IX, iii, 1) and of a *δρακωνάρης ἐξ ὀφικίου τοῦ λαμπροτάτου ἡγεμόνος* (*ILS*, 8881).

<sup>121</sup> *Cod. Just.*, XII, xxxvi, 6, lii, 3, John Lydus, III, 3.

<sup>122</sup> *Cod. Theod.*, VI, xxx, 11, attests the issue of *vestes* to officials: the *cingulum* is constantly mentioned.

<sup>123</sup> *Cod. Theod.*, VII, iv, 35. *Annonae* are normally mentioned alone, but the detailed schedule in *Cod. Just.*, I, xxvii, 1, shows that *capitum* were also provided. Cf. Ammianus Marc., XXII, iv, 9.

<sup>124</sup> e.g. *Cod. Theod.*, VII, i, 5, 6, xxii, 8, 10, VIII, vii, 12.

<sup>125</sup> We know singularly little about the officials of vicars, proconsuls and other governors of the *spectabilis* grade but it may be inferred that these

offices were popular from the fact that their numbers had to be limited (*Cod. Theod.*, I, xii, 6, xiii, 1, xv, 5, 12, 13) and that entry to them was regulated by *probatoria* (*Cod. Theod.*, VIII, vii, 21, *Cod. Just.*, XII, lix, 10) as in the palatine offices. See also n. 127.

<sup>126</sup> *Cod. Theod.*, VII, xxii, 3.

<sup>127</sup> There is no later allusion to any hereditary obligation except in provincial offices, e.g. *Cod. Theod.*, VIII, iv, 7, 8, XII, i, 79, VIII, vii, 16. In the last law the phrase 'quibus vel sponte initiatus est vel suorum retinetur consortio maiorum' refers to the distinction made above to *praefectiani* and *vicariani* on the one hand and *provincialia officia* on the other.

<sup>128</sup> *Soz.*, v, 4, 66.

<sup>129</sup> *Cod. Theod.*, VIII, vii, 9, 16, 19.

<sup>130</sup> *Not. Dig. Or.*, xliii, xlv, *Occ.*, xliii, xlv, xlv, cf. *Cod. Theod.*, VIII, iv, 21–5, 28–30.

<sup>131</sup> *Cod. Just.*, XII, lvii, 13, 14.

<sup>132</sup> e.g. *Cod. Theod.*, VI, xxxv, 14, VIII, iv, 28, XVI, v, 48, *Theod.*, *Nov.*, iii, §6, vii, 2, 4, x, 1.

<sup>133</sup> John Lydus, III, 67.

<sup>134</sup> *Cod. Just.*, XII, xix, 7. 'melloproximo vero vel adiutori pro consuetudine uniuscuiusque scrinii viginti aut quindecim solidos offerre praecipimus.' This fee is to be distinguished from the price of a place discussed below.

<sup>135</sup> A purge of the palatine finance offices is recorded in *Cod. Theod.*, VI, xxx, 15–16, and of the praetorian prefecture of the Gauls, ib., VIII, vii, 10; cf. I, ix, 1, VI, xxvii, 17, 18, for purges of the *agentes in rebus*.

establishment of so many *statuti* was laid down, a huge mass of *supernumerarii* accumulated and the emperor had to lay down a maximum establishment of supernumeraries; in 399 the *officium largitionum* was limited to 610 supernumeraries in addition to its establishment of 224 *statuti*.<sup>136</sup> Supernumeraries were not entitled to *annonae* or other official emoluments.<sup>137</sup> Some worked in the offices, presumably picking up a living from fees or being paid for their services by the *statuti*, others merely waited for a vacancy. In some offices the former class received preference when vacancies arose.<sup>138</sup>

As promotion was, for those at any rate who commanded no interest in high quarters, by strict seniority,<sup>139</sup> this inflation of numbers meant that it took years to climb to the top of an office, and the emperors displayed great anxiety to keep the procession moving, by insisting that heads of offices retire after a fixed short term—usually a year or two.<sup>140</sup> Despite their efforts, officials were often senile—for there was no age limit—before they reached the coveted senior posts, in which case they were sometimes allowed to perform their duties by deputy.<sup>141</sup>

So great was the competition for places in some offices that vacancies were bought from retiring officials, and by the early sixth century some classes of posts were officially saleable.<sup>142</sup> We know most about the *sacra scrinia*. Here, a vacancy on the establishment of each *scrinium* was caused every other year by the compulsory retirement of its head, the *proximus*. This vacancy was offered to the senior supernumerary at a fixed tariff of 250 *solidi*, payable to the retiring *proximus*. If he could not afford it, it went to the next senior, and so on, till a willing purchaser was found. When a vacancy arose by the death of an established officer (*statutus*) it was similarly offered to the senior supernumerary but in this case the 250 *solidi* went to the heirs or assigns of the deceased *statutus*.<sup>143</sup> Officials of the *sacra scrinia* who aspired to a place among the *adiutores* of the *quaestor sacri palatii* had to purchase their promotion from the retiring *adiutores*. There was apparently no tariff here till Justinian fixed it at 100 *solidi*, except for the three senior officials, the *laterculensis* and the two *melloproximi*, who could still sell their jobs for what they would fetch.<sup>144</sup>

It is evident from a number of laws in the Code that many aspirants did not possess the ready cash to pay for their *militia* on the nail, and borrowed money on mortgage for the purpose. In this case the creditor had a lien on the post, and should his debtor die prematurely could claim repayment from the purchase price paid by whoever succeeded to the vacancy.<sup>145</sup> In this milieu it is not surprising to find that the other usual abuses of an overripe bureaucracy flourished. Absenteeism was rife: we have regulations prescribing mild penalties for officials who have not been seen at their office for one, two, three, or more years.<sup>146</sup> Pluralities were common. Justin endeavoured to suppress them, but excepted cases where two posts were by long custom held concurrently.<sup>147</sup>

It was not the pay which made the civil service attractive. In the reign of Justinian

<sup>136</sup> Establishments: *Cod. Theod.*, VI, xxx, 7, 15–17 (*largitionales* and *privatiani*), *Cod. Just.*, XII, xix, 10 (*sacra scrinia*), *Cod. Theod.*, VI, xxvii, 23, *Cod. Just.*, XII, xx, 3 (*agentes in rebus*), cf. n. 125. Justinian regularly prescribed establishments for all the offices he created (e.g. *Cod. Just.*, I, xxvii, 1, 2, *Just., Nov.* 14, §5, *Edict* 13, §2, etc.). *Statuti* and *supernumerarii* are recorded also for *castrensiarii* (*Cod. Theod.*, VI, xxxii, 2), *protectores domestici* (*Cod. Just.*, II, vii, 25, §3), *scholares* (*Proc., Anecd.*, 24, *Const. Porph., de Cerim.*, I, 86), and *silentiarii* (*Const. Porph., loc. cit.*, cf. *Cod. Theod.*, VI, xxxiii, 4).

<sup>137</sup> *Cod. Theod.*, VI, xxx, 11, *Const. Porph., de Cerim.*, I, 86.

<sup>138</sup> *Cod. Just.*, XII, xix, 7.

<sup>139</sup> *Cod. Theod.*, VIII, vii, 1 (315). In 392 and 395 the *domestici* and *protectores* secured a relaxation of this rule in so far that absentees were struck off the list (*Cod. Theod.*, VI, xxiv, 5, 6). For illicit promotion by influence, see for instance, *Cod. Theod.*, VI, xxvii, 19.

<sup>140</sup> e.g. *Cod. Theod.*, VI, xxvi, 6, 11, 17, xxx, 3, 14, 21.

<sup>141</sup> John Lydus, III, 9, *Cod. Just.*, XII, xx, 5.

<sup>142</sup> *Cod. Just.*, III, xxviii, 30, §2, XII, xxxiii, 5, §3. Apart from the *sacra scrinia* purchase seems to have been official only in the more ornamental palatine services, *scholares* (*Proc., Anecd.*, 24, Agathias, v, 15), *domestici* (*Proc., Anecd.*, 24, *Cod. Just.*, II, vii, 25, *Const. Porph., de Cerim.*, I, 86), *silentiarii* (*Cod. Just.*, III, xxviii, 30, XII, xvi, 5, *Const. Porph., loc. cit.*), *tribuni et notarii* (*Cod. Just.*, II, vii, 23). There is no hint in John Lydus that entry to the praetorian prefecture had to be bought, though profitable posts within it were saleable (III, 27).

<sup>143</sup> *Cod. Just.*, XII, xix, 7, 11.

<sup>144</sup> *ibid.*, XII, xix, 13, 15, *Just., Nov.* 35.

<sup>145</sup> *ibid.*, VIII, xiii, 27, *Just., Nov.* 97, §4, 136, §2.

<sup>146</sup> *Cod. Theod.*, VII, xii, 2, *Cod. Just.*, XII, xvii, 3.

<sup>147</sup> *Cod. Just.*, XII, xxxiii, 5, cf. XII, xx, 5, §1.

the great majority of the clerks in the praetorian prefecture were graded as cavalry troopers, receiving only one ration allowance (*annona*) and one fodder allowance (*capitum*), the whole being commuted for 9 *solidi* per annum, and even the highest officials on the judicial side reached only three ration allowances and two fodder allowances totalling 23 *solidi*.<sup>148</sup> Byzantine officials lived not on their pay, but on fees—*sportulae*—collected in part from each other, but in the main from the general public. Fees were payable for every transaction—for letters of appointment to every post from the highest down to *defensor* of a city,<sup>149</sup> for all judicial processes,<sup>150</sup> and for the collection of taxes; for by the general practice of antiquity the taxpayer paid a gratuity to the collector for his trouble in collecting the money from him—the sum was fixed by Majorian at half a *solidus* for each *iugum*, divisible between the officials of the various finance departments, the *palatini*, the *praefectiani*, the *exactor*, the provincial officials and also the *curiales*.<sup>151</sup>

*Sportulae* were in origin illicit tips, and Constantine still so regarded them. In one of his more hysterical constitutions he strives by severe penalties to eradicate the system root and branch. 'Let the grasping hands of the officials forthwith refrain, let them refrain I say, for unless after this warning they do refrain they will be cut off by the sword. Let not the *velum* of the judge be for sale, admission purchased, the *secretarium* infamous with rival bids, the very sight of the governor at a price. . . . Let the depredations of him who is called *princeps* of the *officium* be removed from the opening of the case. Let the *adiutores* of the same *princeps* of the *officium* make no extortion from the litigants. Let the intolerable assaults of centurions and other officials demanding small sums and great be repulsed. Let the insatiable greed of those who give back the record of the case to the litigants be moderated.'<sup>152</sup> By Julian's reign the imperial government had resigned itself to the inevitable, and *sportulae* were no longer prohibited but regulated. The *ordo salutationis* of the province of Numidia gives a detailed schedule. For the *princeps* for granting an official—to enforce judgment—within the town, five Italian bushels of wheat or the price thereof; within a mile seven bushels, for every additional ten miles two bushels, for overseas a hundred bushels. For the *cornicularius* and *commentariensis* half of the above sums each. For the official granted two bushels. For *exceptores* for a *postulatio simplex* five bushels, for a *contradictio* twelve bushels, for a *definita causa* twenty bushels. For the *libellensis* for every petition two bushels. Besides which the litigants had to provide paper for the necessary records: one large tome was to suffice for a *postulatio simplex* and four for a *contradictio*, not more than six for a *definita causa*. It is clear that there is nothing 'under the counter' about *sportulae* by this time; even two bushels of wheat could hardly be unobtrusively slipped into the palm of an expectant-looking official.<sup>153</sup>

I opened this paper with an allusion to the first and only Roman clerical officer who played a part in history. I cannot end better than by paying a tribute to the last and only Roman clerical officer who achieved literary fame. I allude of course to the poet and antiquary John the Lydian. His poetical works have, alas, perished; personally I particularly deplore the loss of his little panegyric on Zoticus, the praetorian prefect under whose auspices he started his official career, a tribute so greatly appreciated by its subject that he rewarded the author with a *solidus* for every line, payable out of public funds.<sup>154</sup> But we are fortunate in still possessing three prose works, one of which, 'On the magistracies of the Roman constitution,' is of the greatest interest, since the bulk of it deals with the office of the praetorian prefect, in which John himself served for many years. It is a testimony both to John's antiquarian learning and to his loyalty to his department that he is able to trace the origins of the praetorian prefecture to the *magister equitum* of the regal

<sup>148</sup> *ibid.*, I, xxvii, 1.

<sup>149</sup> The *locus classicus* is the *Notitia* appended to Just., Nov. 8: cf. also *Cod. Just.*, I, xxvii, 2, Just., Nov. 24-7.

<sup>150</sup> Justinian fixed a tariff (*Cod. Just.*, III, ii, 5) which has not survived, but apparently drastically reduced them; John Lydus (III, 25) bitterly complains that a *postulatio simplex* in the praetorian prefecture, which used to bring in 37 *solidi*, now cost

a few coppers only. Reduced tariffs of *sportulae* in favour of privileged classes are given in *Cod. Just.*, II, vii, 22, 24, XII, xix, 12, xx, 6, XXI, 8, xxv, 4, xxix, 3.

<sup>151</sup> *Maj.*, Nov. 7, §16.

<sup>152</sup> *Cod. Theod.*, I, xvi, 7.

<sup>153</sup> Bruns, *Fontes*, I, 103.

<sup>154</sup> John Lydus, III, 27.

period—the change from ἵππαρχος to ὑπάρχος or ἑπάρχος is, as he repeatedly remarks, trifling<sup>155</sup>—and can moreover demonstrate that the post of *cornicularius* of the praetorian prefect—which he himself held—goes back to the foundation of Rome.<sup>156</sup>

John is an appropriate figure with whom to conclude, since he is in his own person the complete bureaucrat. He is a lover of forms for their own sake, the longer and more complicated the better, and delights in the intricacies of official procedure; one of his great sorrows is that proceedings in the praetorian prefecture were no longer conducted in Latin,<sup>157</sup> which no one, with the doubtful exception of the officials, understood, and he takes every opportunity to air his own scholarship in that language, giving the meaning and derivation of the Latin terms in which the official jargon of the prefecture abounded, and citing some of the old Latin formulae in extenso—in vain, alas, for generations of Greek copyists have reduced his Latin to gibberish.<sup>158</sup> His major passion is departmental loyalty. His book is a lament for the fallen greatness of the praetorian prefecture, and he hates with all a civil servant's bitterness the upstart department of the Magister Officiorum, which had robbed the prefecture of its control of the post and of the arms factories, and, worst insult of all, had introduced one of its staff into the post of *princeps* of the praetorian *officium*, thus robbing the *praefectiani* of the crown of their career.<sup>159</sup>

Within the department John is a stout protagonist of the judicial side as against the financial. The financial officials, he repeatedly asserts, were properly speaking hardly members of the *officium*; they had only achieved the grant of *probatoriae* by the injudicious generosity of Theodosius the Great, they did not figure on the old *matrices* of the *officium*, and they still were excluded from the procession which, on ceremonial occasions, attended the prefect.<sup>160</sup> John's feelings may be imagined when, instead of men of letters or barristers, vulgar finance clerks, like Marinus the Syrian<sup>161</sup> or John the Cappadocian,<sup>162</sup> were promoted praetorian prefects. Not that he leaves his feelings to be imagined; pages of passionate declamation lament the depth of degradation to which such prefects have brought the once glorious office. His archvillain is John, whose financial exactions, he alleges, so impoverished the provincials that they could not afford to litigate, with the deplorable result that the fees payable to the judicial side of the prefecture sank to a mere pittance.

He recounts his own career as a melancholy example of the decline of the prefecture. He made a brilliant start, owing to the fortunate circumstance that the prefect of the time, Zoticus, was a fellow-townsmen and friend. Zoticus not only pressed upon him a place among the *exceptores*, but showed him the ropes to such good effect that in his first year he netted not less than 1000 *solidi*—and this σωφρόνως. The *adiutores* of the *ab actis*, he explains, selected him as one of their three chartularies, not only demanding no fee for the appointment but actually paying him a stipend of 24 *solidi* a year; the other two chartularies, he notes with a certain pride, were aged seniors who had paid for their posts. In this position he reaped a rich, though unspecified, harvest of fees from compiling the *personale* and the *cottidianum* and concurrently he drew up *suggestiones* and practised as an *exceptor* in the *secretum*. Zoticus' good offices did not end here. Not only did he, as I have mentioned already, show his appreciation of John's poetic talent in a tangible form, but he also found him a wife who brought him 100 pounds of gold in dowry.<sup>163</sup>

John sadly contrasts with the bright promise of his youth the bitter disappointment of his declining years. At length, after 39 years of service, he reached the highest post in the *officium* accessible to a *praefectianus* now that the position of *princeps* had been usurped

<sup>155</sup> *id.*, I, 14, 15, II, 6, 13.

<sup>156</sup> *id.*, III, 22.

<sup>157</sup> The change made by Cyrus, *Praefectus Praetorio Orientis*, 439–441, who is described by John as 'an Egyptian admired even now for his poetic talent . . . who understood nothing except poetry' (II, 12, III, 42). It is one of the counts against John the Cappadocian that he abolished Latin in the *scrinium* of Europe where it had hitherto survived (III, 68).

<sup>158</sup> III, 3, 12.

<sup>159</sup> II, 10, III, 23, 40.

<sup>160</sup> III, 35.

<sup>161</sup> III, 36, 46, 49. He was εἰς τῶν τῆς Συρίας σκρινιστῶν.

<sup>162</sup> III, 57. He started as a *scriniarius* of the *magistri militum*.

<sup>163</sup> III, 26–8.



by a *magistrarianus*—the ancient and honourable dignity of *cornicularius*. But what did he find? When a *magistrarianus* had first been introduced into the *officium*, an arrangement had been reached between him and the *cornicularius* for the partition of fees: the *cornicularius* had retained the *completiones*, which brought on an average not less than 1000 *solidi* a year, and the *princeps* had undertaken, in order to square the account, to pay the *cornicularius* a pound of gold per month. 'But,' says John, 'I do not blush to call justice to witness that I speak truth, not a penny did I receive from the *princeps* nor from the *completiones*.' <sup>164</sup> To such a depth had John of Cappadocia reduced the empire.

It is easy to poke fun at the Byzantine bureaucracy, but cumbersome and corrupt though it was, it served some useful purposes. The emperors relied on the clerical grades, perhaps not altogether in vain, as a check against the far more arbitrary extortions and illegalities of the administrative officers, the provincial governors in particular. The permanent clerks of the *officia* not only knew the regulations better than the governors, who served only for a year or two; they also had a less pressing need to get rich quickly and could content themselves with more or less regular perquisites, hallowed by custom; and being permanent residents they could not but have had some fellow feeling for the ordinary provincials. Many imperial constitutions make the *officium* equally responsible with the governor for obeying the law, and indeed impose upon it the duty, enforced by the threat of a corporate fine, of resisting illegal action by the governor. <sup>165</sup>

I would go further than this. One of the complex causes which kept the eastern half of the empire a going concern while the western fell to pieces was the fact that the eastern emperors usually had large financial resources at their command, while the western were bankrupt, and could levy troops from their own provinces while in the West the only resource was barbarian mercenaries. This is partly due to the greater wealth and higher population of the eastern provinces; but it is also due to the more effective administrative control exercised by the East, which enabled it to mobilize for the defence of the empire a larger proportion of the wealth and manpower available. And the principal reason for this was that in the West the great offices of state were the perquisite of the wealthy land-owning class who used their powers to protect their own interests, but in the East the powers of the state were, from the fifth century at any rate, wielded by bureaucrats, men like Marinus the Syrian and John the Cappadocian, who, it is true, lined their own pockets liberally, but did also fill the treasury. <sup>166</sup>

## APPENDIX

The chief point on which I differ from Stein is on the origin of the *exceptores* and *scriniarii*. Stein held that they were originally 'vom Staate konzessionierte Gewerbetreibende' (p. 2c). For the *exceptores* his arguments are (a) *Cod. Theod.*, VIII, vii, 17 (385),

*exceptores omnes iudicibus obsequentes, qui nec militiam sustinent neque a fisco ullas consequuntur annonas, absque metu navare coeptis operam, etiamsi decuriones sunt, minime prohibemus, dummodo munia propriae civitatis agnoscant et peracto secundum morem exceptionis officio ad propriam sibi curiam redeundum esse non nesciant.*

This law is reproduced in *Cod. Just.*, XII, xlix, 5, where, by inserting 'provincialibus' after the 'iudicibus' and 'cohortalem' before 'militiam', it is made plain that the practice was confined to provincial *officia*. (b) The organization of the *exceptores* in *scholae*, which he calls a 'zunftartige Organization'. But (a) the law merely proves that there were civilians who practised as *exceptores* in the *officia*, like the *supernumerarii* of the palatine offices, making their living by *sportulae*, and

<sup>164</sup> III, 24-5.

<sup>165</sup> e.g. *Cod. Theod.*, XI, xxx, 34, 'iudex . . . ipse quidem notabili sententia reprehensus X librarum auri condemnatione quatiatur, officium vero eius, quod non suggesserit nec commonuerit de relationis necessitate, viginti libris auri fiat obnoxium.'

<sup>166</sup> As John Lydus (III, 49) freely admits, καὶ γίνεται μὲν πολύχρυσος, εἴπερ τις ἄλλος, ὁ βασιλεὺς καὶ μετ' αὐτὸν ὁ Μαρῖνος καὶ ὅσοι Μαρῖνιδῶντες ἀπλῶς.

implies that normally *exceptores* did hold a *militia* and draw *annonae*; and (b) *scholae* were a characteristic organization of military grades in the Principate, e.g. *ILS*, 2375 (*speculatores*), 2400 (*beneficiarii*), 2445 (*optiones*), 2545 (*decuriones*), 9493 (*pulliones*), and in the Byzantine age are found not only for *exceptores* but for subclerical grades of military origin (*Cod. Just.*, I, xxvii, 1, §29, *singularii*, §33 *stratores*, §35, *draconarii*). Since military *exceptores* are recorded for the Principate, it seems simplest to assume that their existence was continuous: *ILS*, 9075 records two young soldiers who were 'ex exceptore praef. praet.', apparently under the tetrarchy. *Exceptores* were certainly much more numerous in the Byzantine period than under the Principate, when they seem to have been individual private secretaries of the *praeses* (*ILS*, 2173), the *princeps* (*CIL*, III, 5293) and others (*ILS*, 2157). The increase of the *exceptores* is probably to be linked with the disappearance of the *beneficiarii* and *speculatores*: as men of these grades were more and more employed for secretarial duties, they came to be called *exceptores*.

For the *scriniarii* (including *tabularii* and *numerarii*) Stein cites *Cod. Theod.*, VIII, i, 11, and John Lydus, III, 35. The first reference is highly misleading for, as I have shown above (p. 47 f.), this law restores to the *numerarii* of the praetorian prefecture the *militia* of which both they and those of the provincial governors had been deprived by Julian. John Lydus cannot be quoted in evidence against the clear testimony of the imperial constitutions of the Code, especially as he has been proved by Stein himself to be grossly misinformed about the earlier history of the prefecture (e.g. the date and circumstances in which *deputati* and *Augustales* were established, and in which the post of *princeps* was transferred to an *agens in rebus*. Stein, pp. 43 ff.). Here again, therefore, since a soldier *tabularius* is attested for the Principate, it is simplest to assume a continuous development. The only other piece of evidence which might be cited for the civilian status of *tabularii* is *Cod. Theod.*, VIII, ii, 5 (401), 'generalis lege sancimus ut sive solidis provinciis sive singulis civitatibus necessarii fuerint tabularii, liberi homines ordinentur neque ulli deinceps ad hoc officium patiscat aditus qui sit obnoxius servituti.' But the whole title deals with *tabularii* and other officials of the *civitates*, who were not imperial civil servants at all, and the *tabularii* appointed *solidis provinciis* in this law cannot therefore be identical with *tabularii* of the provincial *officium*; the *interpretatio* of the law bears this out, for it paraphrases 'sive in solida provincia sive per singulas civitates tabularii fuerint ordinati . . . ingenui a provincialibus ordinentur': the *tabularii* of the provincial *officium* were certainly not appointed by the provincials. The provincial *tabularii* mentioned in this law must presumably have been employed by the *concilium provinciae*.

I also differ from Stein's explanation of the origin of the *adiutor* (pp. 57 ff.). According to Stein the *adiutor* was in origin the principal assistant of the *princeps* and *cornicularius* who shared a joint *scrinium*. But under the Principate there were separate *adiutores principis* and *adiutores corniculariorum*, and there is no reason to believe that the two *scrinia* were merged. That the *adiutor* had belonged to the *princeps* is, I think, proved (a) by the fact that in the *officia* of the *magistri militum*, *comites rei militaris* and *duces* in the *Notitia*, which possess a *princeps* but nearly all lack a *cornicularius*, there is an *adiutor*, (b) by the *Collatio Carthaginensis* which records an *adiutor cornicularii* as still existing in the *officium* of the proconsul of Africa in 411, when the *adiutor* certainly existed as an independent post. Stein appears to base his view on the fact that there was in the sixth century no *scrinium* attached to either the *princeps* or the *cornicularius* in the praetorian prefecture of Africa and the East. The case of Africa is not very cogent, as the *princeps* and the *cornicularius* have themselves been abolished (*Cod. Just.*, I, xxvii, 1). In the East the language of John Lydus is by no means decisive that the *cornicularius* had no *adiutores*. In III, 4, he says that *exceptores* were attached to various *κατάλογοι*, which he enumerates as those of the *cornicularius*, the two *primiscrinii*, the two *commentarienses*, the two *regendarii* and the two *curae epistularum* of Pontica (it may be noted that he omits the *ab actis*). In III, 9, he says that the heads of the office each choose three *adiutores*, whence there are six in the *scrinium* of the *ab actis*, *commentariensis* and *primiscrinii*. It is possible that the *cornicularius* is not mentioned in the second list because he had only three *adiutores* and John is enumerating the *scrinia* which had six, or it may be that the *scrinium* of the *ab actis* had originally belonged to the *cornicularius* and was still reckoned as his *κατάλογος*.

Stein also so strongly insisted that the two titles of *adiutor* and *primiscrinii* must denote the same office that he proposed to delete one or the other when both occurred in one *officium*, as in *Not. Dig. Occ.*, IV (the urban prefect), XVIII (the proconsul of Africa), and also VI (*Magister Equitum*). His argument is that since the *adiutor* of the urban prefecture was also officially called *primiscrinii* (as in *Coll. Avell.*, 16 and 31) it would have led to confusion if there had been another officer entitled *primiscrinii* in the same office. In view of the pervading ambiguity of Byzantine official terminology, I do not find this argument altogether convincing. In the urban prefecture there are good reasons for believing that besides the *adiutor* (also called *primiscrinii*) whose duties were judicial, there was a *primiscrinii* whose duties were financial, and who corresponded with the *numerarius* of other

offices. The evidence is the *Notitia Dignitatum*, which records a *primiserinius sive numerarius*, and Symmachus, *Rel.*, 34, and *Cod. Theod.*, XIV, IV, 10, which show a *primiscrinus* of the prefecture exercising financial functions. I do not find Stein's explanation convincing, that the urban prefect had so little financial business that it was assigned, in addition to his judicial duties, to the *adiutor* of his office. Stein's objection that in *Cod. Theod.*, XIV, IV, 10, the *primiscrinii* ' tam inl. urbanae sedis quam spectabilis vicariae potestatis ' are mentioned and that, as there is no *primiscrinus* other than the *adiutor* recorded in the vicarial offices, the *adiutor* must be meant in both cases is not valid. It is scarcely conceivable that in the vicar's office, where there was a *numerarius*, financial matters would be handled by the *adiutor*. The law is a typical piece of loose Byzantine drafting, and the phrase means the *primiscrinus* of the urban prefecture, and the corresponding official (actually the *numerarius*) of the vicarial office. There is no exact parallel to a *primiscrinus* being the chief financial officer of an *officium*, but there are the *primiscrinii qui numerarii fiunt* of the *Magistri Militum* in the East (*Not. Dig. Or.*, V, VI, VIII, IX), and the *primiscrinus* who immediately follows the *numerarius* (*numerarii*) in the offices of the *Magister Equitum* in the West and the proconsul of Africa (*Not. Dig. Occ.*, V, XVIII).



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## THE AERARIUM AND THE FISCUS \*

By A. H. M. JONES

Early imperial arrangements must have been to some extent based on late Republican practice. I will therefore first set out the financial machinery of the last half-century of the Republic, as revealed in Cicero's speeches and correspondence, supplemented by secondary sources. The Aerarium at Rome was the central repository of the moneys of the Roman People. It was managed by the two urban quaestors, or rather by a body of *scribae quaestorii* under their nominal direction.<sup>1</sup> Normally the Polybian rule that no payment might be made save under the authority of a *senatusconsultum*<sup>2</sup> seems to have held: it does not appear that the old right of a consul to draw of his own initiative<sup>3</sup> still survived. Magistrates proceeding to a province were voted a block grant to cover their estimated expenses: *ornare provinciam* is the technical term.<sup>4</sup> On leaving his province a magistrate was obliged to account to the Aerarium for this sum.<sup>5</sup> These accounts seem to have been somewhat summary. Those which Verres sent in on laying down his quaestorship were no doubt unusually brief,<sup>6</sup> but if it was possible for a proconsul to distribute the unexpended balance of his grant among his staff—and Cicero's refusal to follow this practice was resented by his subordinates<sup>7</sup>—auditing cannot have been very exact.

In some at any rate of the extraordinary commands the grant was provided by the law which conferred the command, and on a very generous scale: Cicero complains bitterly of the large *vasarium*, as he colloquially calls it, allocated to Piso to finance his Macedonian command.<sup>8</sup> According to Plutarch, Pompey, as proconsul of Spain, drew 1,000 talents a year from the Aerarium;<sup>9</sup> this was no doubt a provision of the Lex Trebonia. Caelius, on the other hand, writing to Cicero, speaks of a special vote by the Senate of funds to Pompey to pay his army;<sup>10</sup> this was perhaps a supplementary grant. The similar votes for Caesar's army in Gaul<sup>11</sup> were presumably also supplementary, for it is unlikely that Caesar would not have secured for himself a regular grant under the provisions of the Lex Vatinia and the Lex Pompeia Licinia. Most detail is given about the provisions of the Lex Gabinia. According to Plutarch,<sup>12</sup> Pompey was empowered to draw as much money as he liked ἐκ τῶν τομειῶν καὶ παρὰ τῶν τελωνῶν. This is probably an exaggeration; for Appian<sup>13</sup> gives a total of 6,000 talents, adding that he was authorized to collect the money. The truth would seem to be that the Lex Gabinia authorized Pompey to draw sums up to a stated total from the sources mentioned by Plutarch.

At any given time there were, of course, moneys of the Roman People elsewhere than in the Aerarium, mainly in the hands of the *publicani* and of governors in the provinces. The *publicani* paid in arrear, and would therefore usually hold revenues already collected, but not yet due for payment to the Roman People. In provinces where the revenues were collected by the *publicani*, governors held only the unexpended balances of their grants. In provinces where they collected *stipendia* from the communities, they presumably also held these pending their transfer (if ever) to Rome. These moneys were said to be in the governor's 'fiscus': when Verres pocketed the sum voted to him by the Senate for purchasing corn 'cellae nomine', Cicero speaks of the transfer of the money 'in cistam . . . de fisco'.<sup>14</sup>

\* This article, which was read as a paper to the Oxford Philological Society on 5th November, 1948, is an attempt to develop in greater detail the ideas set forth in two earlier contributions to the *Journal* by Professor Tenney Frank ('On Augustus and the Aerarium', xxiii (1933), 143) and by Professor Last ('The Fiscus: a Note', xxxiv (1944), 51), and owes much to them. My thanks are also due to Mr. G. R. C. Davis, who has kindly allowed me to use much material from his unpublished thesis (D.Phil. Oxford) on 'The Administrative Staff of the Roman Emperors at Rome from Augustus to Alexander Severus', and to my pupil, G. E. M. de Ste. Croix, who furnished me with a number of useful references and acute criticisms.

<sup>1</sup> Plut., *Cato minor* 16.

<sup>2</sup> Polyb. vi, 13.

<sup>3</sup> Polyb. vi, 12, 13.

<sup>4</sup> Cic., *ad Att.* iii, 24, 1; *ad Q. f.* ii, 3, 1; *in Pis.* 5; Suet., *Diu. Iul.* 18.

<sup>5</sup> Cic., *ad fam.* ii, 17; v, 20; *ad Att.* vi, 7.

<sup>6</sup> Cic., *II Verr.* i, 36.

<sup>7</sup> Cic., *ad Att.* vii, 1, 6.

<sup>8</sup> Cic., *in Pis.* 86.

<sup>9</sup> Plut., *Caesar* 28.

<sup>10</sup> Cic., *ad fam.* viii, 4, 4.

<sup>11</sup> Cic., *de prov. cons.* 28; *pro Balbo* 61.

<sup>12</sup> *Pompey* 25.

<sup>13</sup> *Mith.* 94.

<sup>14</sup> *II Verr.* iii, 197.

Naturally, both for the sake of economy and to avoid loss in transit, as little coin as possible was shipped from Rome to the provinces and vice versa, and most transactions were on paper. Usually the *societates publicanorum* acted as the Roman People's bankers. When the Senate allocated money to Verres for the purchase of corn in Sicily, it gave him a draft on the local *pro magistro* of the Roman company which farmed the pasture dues and customs of the island: <sup>15</sup> this sum would presumably be deducted from the payment due for these Sicilian taxes to the Aerarium by the head office of the company. Cicero similarly, on arrival in Cilicia, drew his allowance from Laodicea by a *publica permutatio* <sup>16</sup> and on his return deposited the balance with the *publicani* at Ephesus.<sup>17</sup> But when, as in Spain, the bulk of the provincial revenues was not collected by the *publicani*, the governor presumably paid local *stipendia* into his own 'fiscus', and paid out from it his expenditure. Any unexpended balance he would presumably leave in his 'fiscus' for his successor.

The theory and the practice of Republican finance were thus quite different. Theoretically the *publicani* paid into the Aerarium the sums due in respect of the taxes they farmed, and similarly proconsuls of provinces where the communities paid *stipendia* transmitted these to Rome. From the Aerarium grants were made to the provincial governors to cover their expenses. Accounts were kept on this basis, the *publicani* and such governors as collected revenue accounting to the Aerarium for their receipts, and all governors accounting to the Aerarium for their expenditure. In practice, on the other hand, a large proportion of the money collected in each province, whether by the governor or the *publicani*, was spent locally. Only surpluses of local revenue over local expenditure would be transmitted to Rome, and only when the expenses of a province exceeded its income would money be sent from the Aerarium to a province. Thus Cicero's statement <sup>18</sup> that—before Pompey's eastern conquests—the revenues of the provinces except for Asia barely covered their expenses would mean that in fact little cash was shipped to Rome save from Asia.

This analysis makes intelligible Plutarch's phrase ἐκ τῶν ταμείων καὶ παρὰ τῶν τελωνῶν. Pompey was authorized to draw money from the provincial 'fisci' and from the local agents of the *publicani* in all provinces in which he operated. It also explains the famous phrase of Suetonius <sup>19</sup> 'quantum pecuniae in aerario et fisci et vectigaliorum residuis'. The document which contained this information was a 'breviarium totius imperii', drawn up by Augustus as Princeps, and not an account of the public moneys which he handled in his official capacities. The distribution of funds corresponds with Republican practice, first the amount in the Aerarium, second that in the various provincial 'fisci' (in the public as in Caesar's provinces), third, the outstanding balances of the indirect taxes in the hands of the *publicani*. The main practical difference was that, since virtually all direct taxes were no longer farmed, the provincial 'fisci' would hold large sums, and the *publicani* relatively little.

Those who doubt the existence of 'fisci' in the public provinces I would refer to *Dig.* XLVIII, xiii, 11 (9), § 6, where Paulus is quoting the great Augustan lawyer, Antistius Labeo, on the subject of the Lex Iulia residuorum. 'Cum eo autem, qui, cum provincia abiret, pecuniam, quae penes se esset, ad aerarium professus retinuerit, non esse residuae pecuniae actionem, quia eam privatus fisco debeat, et ideo inter debitores eum ferri: eamque ab eo is qui hoc imperio utitur, exigeret, id est pignus capiendo, corpus retinendo, multam dicendo. sed eam quoque lex Iulia residuorum post annum residuam esse iussit.' In the situation envisaged, a proconsul (who alone would be directly accountable to the Aerarium) has rendered his account to the Aerarium on leaving his province, but has not lodged the balance due either in the Aerarium or in the 'fiscus' (surely of his province). His successor's remedy is to sue him as a private citizen, owing money to the local 'fiscus'. Only after a year's delay does a criminal charge lie for wrongfully withholding public funds outstanding for payment into the Aerarium. The suggestion implicit in

<sup>15</sup> II *Verr.* III, 163 *seqq.*

<sup>16</sup> *Cic., ad fam.* III, 5.

<sup>17</sup> *ad fam.* V, 20, § 9; cf. II, 17, § 4.

<sup>18</sup> *de imp. Cn. Pompei* 14.

<sup>19</sup> *Diu. Aug.* 101; cf. Tac., *Ann.* I, 11; Cassius Dio LVI, 33; and also Suet. *Diu. Aug.* 28; Cassius Dio LIII, 30, for a similar document drawn up in 23 B.C.

this procedure is that normally a proconsul handed the balance in his 'fiscus' to his successor.

It will be simplest to state my own theory of Augustus' relation to the Aerarium. I believe that Augustus, like the great Republican proconsuls, was periodically credited by votes of the Senate with such sums as would enable him to discharge his functions as proconsul; the votes would presumably have been made concurrently with the original grant and successive renewals of his province. Supplementary sums must have been voted to him to finance such *curae* as he personally undertook (i.e. those managed by his own *praefecti* and not by *curatores*). This money he was empowered to draw, like Pompey under the Lex Gabinia, from any convenient source. He would naturally draw first from the 'fisci' of his own provinces,<sup>20</sup> and from the *publicani* operating therein. He might find it convenient to draw from the 'fisci' and *publicani* of adjacent public provinces. Some money he must have drawn from the Aerarium for expenditure in Rome and Italy, and to supplement the 'fisci' of poor but expensive provinces like Pannonia. Thus, in practice no cash would have to be moved from most of his provinces to Rome. Probably only Egypt produced a surplus over local expenditure, and this surplus was paid into the Aerarium, as Velleius,<sup>21</sup> a contemporary, tells us. Theoretically Augustus would have been accountable for all moneys allocated to him, including the revenues accruing in his provinces, when he left his province, but since he held his command until his death he need never have rendered any account. Augustus did, according to Suetonius,<sup>22</sup> regularly publish the *rationes imperii*, but these were not his accounts as a magistrate but a general balance-sheet of the Empire which he drew up in virtue of his position as Princeps and published for information.

On Tiberius' accession, the vote of funds would presumably have been made without time limit, since no time limit was placed on his tenure of his powers, and this continued to be the regular practice. Tiberius omitted in his later years to publish the *rationes imperii*, and after Gaius' short-lived revival of the practice they permanently ceased to be issued. In these circumstances it would be impossible for anyone outside the imperial secretariat to check how much the emperor spent, and the vote of funds would become a formality.

There is, I admit, no evidence for this theory, but neither is there any, as far as I know, for any other theory of the public finance of the early Principate; and this theory does at least not contradict the available evidence, and falls into line with late Republican precedent. The assumption commonly made that Augustus would naturally be entitled to use the revenues of his provinces runs counter to the whole conception of Republican finance, whereby all revenue went theoretically into the Aerarium and expenditure was voted from it. Moreover, it is generally admitted, such a division could not have worked in practice, since Augustus' expenses must greatly have exceeded the resources of his provinces: a supplementary grant in some form would have been necessary. To assume, as some have done, that certain taxes or types of taxes were assigned to Augustus from the public provinces, or that he was allocated a fixed proportion of their revenue, is unwarranted by the evidence and again contrary to the principles of Republican finance.

The theory that I have outlined also explains the strong interest that the Julio-Claudian emperors showed in the efficient management of the Aerarium and the measures they took to bring its management under their own control—the institution first of praetorian *praefecti aerarii* and then of *praetores aerarii* by Augustus,<sup>23</sup> Claudius' return to management by quaestors, who were, however, to be selected by him and to serve three years,<sup>24</sup> and Nero's reversion to praetorian *praefecti*, now selected by him.<sup>25</sup> The emperors were not in a disinterested spirit helping the Senate to manage senatorial affairs, but regulating and controlling a public treasury on which they drew from time to time.

The emperor's accounts, and also the balance-sheet of the Empire, were presumably

<sup>20</sup> e.g. the 'fiscus Gallicus provinciae Lugdunensis' of *ILS* 1514.

<sup>21</sup> II, 39, 2.

<sup>22</sup> *Calig.* 16; also Cassius Dio LIX, 9. The fact that Tiberius, who in general kept rigidly to constitutional forms, omitted in the later years of his

reign to publish the *rationes imperii* supports the view that they were not legally required of him.

<sup>23</sup> Cassius Dio LIII, 2 and 32; Tac., *Ann.* XIII, 28–9.

<sup>24</sup> Cassius Dio LX, 24, 1–3; Suet., *Diu. Claud.* 24; Tac., *Ann.* XIII, 28–9; *ILS* 966–7.

<sup>25</sup> Tac., *Ann.* XIII, 28–9.

prepared by his *a rationibus*; the office must have existed under Augustus, though it is first attested under Tiberius.<sup>26</sup> As early as the reign of Claudius a *procurator a patrimonio* is also attested,<sup>27</sup> who was responsible for the *ratio patrimonii*,<sup>28</sup> the accounts of the emperor's private fortune. These accounts must always have been kept separately from those of the public moneys which the emperors handled, and thus there must have been in some sense a *ratio patrimonii* from the beginning, but Claudius may have been the first to organize it as a regular department. Did the early emperors possess, in addition to their personal accounting staff, a personal treasury?

Here we are faced with a confusing ambiguity in the use of the word 'fiscus'. Its primitive meaning is a basket. Since baskets were commonly used to hold money, 'fiscus' came to be used figuratively like the English word 'pocket' to denote an individual's private fortune: thus Valerius Maximus<sup>29</sup> can write that Julius Caesar 'aes alienum Pompeii ex suo fisco solvi iussit'. Secondly, it came to mean a special fund, in the same way that 'the Chest' in academic language at Oxford means the funds of the University. In this sense it had, as we have seen, become under the Republic a technical term for the public funds in the hands of a provincial governor. In the early Principate it appears to be used in reference to the emperor in both these senses. First, it may denote his private fortune. Secondly, it may denote special funds under his control either of public money or of his private money. And thirdly, it early acquired a more extended meaning, analogous to our use of the word 'treasury', to denote the whole financial administration controlled by the emperor.

The early emergence of this last meaning is at first sight somewhat startling. But a new phenomenon had appeared, the huge organization, staffed by imperial slaves, freedmen, and procurators, which exacted money due to the emperor, made payments in his name, and controlled the funds at his disposal. A word was needed to describe this new phenomenon and 'fiscus' suggested itself for a variety of reasons. The public funds handled by the imperial department of finance might be regarded as being, notionally, in the emperor's 'fiscus', in the same way that public funds in a province were said to be in the proconsul's 'fiscus'. Most of the money concerned was physically stored in sundry provincial 'fisci'. And finally the emperor made many payments for public purposes out of his own pocket, 'e fisco suo'.

In its third and most general sense 'fiscus' first appears in literature in Seneca.<sup>30</sup> Discussing how far a promise is binding, he writes that, if I say that I will go bail for you, this pledge does not hold in extreme cases, 'si spondere me in incertum iubebis, si fisco obligabis.' Here 'fiscus' clearly means the imperial government in its financial aspect. Similarly, the elder Pliny, when he speaks of Annius Plocamus 'qui Maris Rubri vectigal a fisco redemerat'<sup>31</sup> and when he states that the balsam of Judea fetched 300 *denarii* the *sextarius* 'vendente fisco', and even more clearly when he says of the balsam 'seritique nunc eum fiscus',<sup>32</sup> means by 'fiscus' the imperial financial administration. Two Greek provincial inscriptions of the Julio-Claudian period also seem to use the word in this sense, one from Lycosura in Achaea<sup>33</sup> and the other—the edict of Tiberius Julius Alexander<sup>34</sup>—from Egypt, though ὁ φύσκος may in both these cases denote the local provincial 'fiscus'.

Seneca appears to use 'fiscus' in the first sense mentioned above in another and more famous passage of the *de beneficiis*.<sup>35</sup> 'Caesar omnia habet, fiscus eius privata tantum ac sua. et universa in imperio eius sunt, in patrimonio propria.' The obvious reading of this passage is a rhetorical doublet, in which case it means that 'fiscus' was the bank or treasury of the *patrimonium*, the emperor's private property. Pliny the Elder, when he relates that Augustus leased the Collis Leucogaeus from the city of Naples for the benefit of his new colony of Capua, 'extatque divi Augusti decretum quo annua vicena milia Neapolitanis

<sup>26</sup> CIL vi, 8409.

<sup>27</sup> ILS 1487.

<sup>28</sup> ILS 1643, CIL vi, 3962, 8506.

<sup>29</sup> vi, II, 11.

<sup>30</sup> *de beneficiis* iv, 39, 3.

<sup>31</sup> NH vi, 84.

<sup>32</sup> NH xii, 113, 123.

<sup>33</sup> SIG<sup>3</sup> 800.

<sup>34</sup> OGIS 669.

<sup>35</sup> vii, 6, 3.



pro eo numerari iussit e fisco suo,<sup>36</sup> seems to denote by the last words the emperor's private fortune : unfortunately we cannot be sure that the decree used these actual words.

The language of Tacitus and Suetonius, when speaking of the Julio-Claudian period, obviously cannot be pressed : their use of the term 'fiscus' is clearly at times anachronistic. It is, however, noteworthy that they also use the word not infrequently to denote the emperor's personal estate. Tacitus<sup>37</sup> states that after C. Silius' condemnation 'liberalitas Augusti avulsa, computatis singillatim quae fisco petebantur'. Tiberius here claims for his 'fiscus' a refund of private presents to Silius. A similar claim seems to have been made in respect of Sejanus' property,<sup>38</sup> and Aemilia Musa's property was claimed for the 'fiscus', as she had died intestate :<sup>39</sup> as the rest of the paragraph deals with property left by will to Tiberius, it is to be presumed that in this case Tiberius claimed as next of kin. Again, when Otho promised to compensate centurions 'e fisco suo' for the loss of their perquisites,<sup>40</sup> the words clearly mean 'out of his own pocket', and Vitellius' similar offer to make good their loss 'e fisco'<sup>41</sup> must be interpreted in the same sense. In Suetonius' anecdote of the imperial freedman who tried to defraud the 'fiscus' of his estate by changing his name, and in Juvenal's story of the great turbot, 'fiscus' must again denote the emperor's private estate.<sup>42</sup>

During the Julio-Claudian period there is no epigraphic record of any 'fiscus' at Rome save one, the 'fiscus libertatis et peculiorum'.<sup>43</sup> This fund was presumably derived from the *peculia* of deceased slaves of Caesar, from the sums with which slaves of Caesar bought their liberty, and no doubt also from the inheritances of imperial freedmen, which might be classed with *peculia*. It handled, at all events, the emperor's private profits arising from his *familia*.

Neither the literary nor the epigraphic evidence, therefore, justify the assumption that the Julio-Claudian emperors possessed a 'fiscus' in the sense of a treasury at Rome in which they kept public money. Nor, in my theory, had they any need for such a treasury. The greater part of their expenditure was in the provinces, and for this sum they drew upon the 'fisci' and *publicani* of their own and neighbouring provinces. The sums that they spent in Rome on such items as the praetorian guard, the *vigiles*, and the corn supply, they or the prefects immediately responsible drew from the Aerarium as required. On the other hand there is considerable literary evidence for the existence of a 'fiscus' containing the emperor's private money and, though epigraphic evidence is lacking, such a treasury must have existed. Without it the emperors could not have maintained their expensive household establishment or have made the numerous and heavy payments which they are recorded to have made from their private estate. The private fortunes of the emperors played an important part in public finance. The State was so poor that a rich man's private resources were comparable with it, and the emperors were very rich. Augustus, as he records in the *Res Gestae*, freely subsidized the Aerarium from his private funds,<sup>44</sup> and Nero claimed that he paid HS 60,000,000 into the Aerarium annually<sup>45</sup> besides *ad hoc* grants like the HS 40,000,000 he subscribed to maintain public credit in 57.<sup>46</sup> At times, when for instance a *congiarium* was to be paid, the emperor must have had very large sums in actual cash in his 'fiscus' at Rome.

In the Flavian period new developments took place. First there appears a 'procurator fiscorum transmarinorum' at Rome.<sup>47</sup> Next there appear at Rome four new 'fisci'—Iudaicus, frumentarius, Asiaticus, Alexandrinus, and probably also the 'fiscus castrensis'. The first two present no great interest. The 'fiscus Iudaicus'<sup>48</sup> received the new Jewish

<sup>36</sup> *NH* XVIII, 114.

<sup>37</sup> *Ann.* IV, 20.

<sup>38</sup> *Ann.* VI, 2.

<sup>39</sup> *Ann.* II, 48.

<sup>40</sup> *Hist.* I, 46.

<sup>41</sup> *Hist.* I, 58.

<sup>42</sup> Suet., *Div. Vesp.* 23 ; *Juv.* IV, 55.

<sup>43</sup> *CIL* VI, 8540a, in the reign of Claudius, is the earliest mention.

<sup>44</sup> See Tenney Frank, *JRS* XXIII (1933), 143 ff.

<sup>45</sup> Tac., *Ann.* XV, 18.

<sup>46</sup> Tac., *Ann.* XIII, 31.

<sup>47</sup> *AE* 1932, 58. The inscription is not accurately dateable and might be late Julio-Claudian. This official was in my view the forerunner of the procurators of the 'fisci Asiaticus' and 'Alexandrinus', which are discussed below.

<sup>48</sup> Suet., *Dom.* 12 ; coins of Nerva ; cf. *ILS* 1519.

poll tax. The 'fiscus frumentarius' <sup>49</sup> was the cash-box of the Praefectus Annonae, who presumably ceased at this time to draw *ad hoc* from the Aerarium, but received a block grant. The 'fiscus castrensis', <sup>50</sup> with the corresponding 'ratio castrensis,' <sup>51</sup> was, I suspect, a special treasury created to hold the funds, drawn doubtless from the patrimonial revenue, out of which the emperor paid the expenses of his large household. The 'fiscus Alexandrinus' <sup>52</sup> and the 'fiscus Asiaticus' <sup>53</sup> have never been satisfactorily explained. The clue, I suggest, lies in the fact that Asia and Egypt were the two provinces which produced a substantial surplus over the costs of their own administration or the needs of the neighbouring provinces. Cash must have been regularly shipped from Asia and Egypt to Rome. I suggest that Vespasian (as the great financial reformer of this period) established at Rome branch offices of the provincial 'fisci' of Egypt and Asia, and drew upon them for his central expenditure, thus short-circuiting the Aerarium. His motive was presumably to avoid the red tape which no doubt hampered the withdrawal of money from the Aerarium, and to handle his finances through his own procurators rather than through Praetores Aerarii, whom he found in control of the treasury: <sup>54</sup> these, if they were chosen by lot from the praetors of the year, might be unco-operative. 'Praefecti Aerarii Saturni,' ex-praetors nominated by the emperor, seem to have been soon restored, <sup>55</sup> but these too might be less efficient, and less amenable to discipline, than imperial procurators. Vespasian would also have avoided the last vestiges of publicity for his finances, since the *rationes imperii* had long ceased to be published and now no imperial funds passed through the Aerarium.

Vespasian's arrangements seem to have remained substantially unchanged till the end of the Antonine period. The Aerarium, deprived of what had been its main assets, the surpluses of Asia and Egypt, could not now have contained much money, and the emperors ceased to draw on it normally. When Marcus, in the financial stress of the Marcomannic war, did draw funds from the Aerarium, obtaining the Senate's authorization to do so, the fact caused remark. <sup>56</sup> During all this period there was no single 'fiscus' at Rome, but such imperial funds as were kept at the capital were stored in a number of 'fisci', the Alexandrinus and the Asiaticus holding the surplus of Egypt and Asia, the Iudaicus the proceeds of the Jewish poll-tax, the 'frumentarius' the special fund of the Praefectus Annonae, the 'castrensis' the emperor's personal moneys. In popular, and indeed in semi-official language, the term 'fiscus', in the singular, denoted the imperial financial administration, but in strict official parlance, 'fisci' in the plural was still the correct expression. When, in A.D. 118, Hadrian made his great remission of arrears, the official inscription set up by the Senate and People speaks of the money as 'debitum fisci'. <sup>57</sup>

Now that imperial and public finance were completely severed, it was natural to think and speak of Fiscus and Aerarium as two separate and complementary organizations, one managed by the emperor and the other by the Senate, between them covering all State finance. Writers of the reign of Trajan often so use these two terms. The Younger Pliny couples the two together to denote the public finances in one sentence: <sup>58</sup> 'locupletabant et fiscum et aerarium non tam Voconiae et Iuliae leges quam maiestatis singulare et unicum crimen.' In another passage he contrasts them: <sup>59</sup> 'at fortasse non eadem severitate fiscum qua aerarium cohibes: immo tanto maiore, quanto plus tibi licere de tuo quam de publico credis.' Frontinus notes that the emoluments of the *apparitores* of the *curatores aquarum* and of the *familia publica* come from the Aerarium, while those of the *familia Caesaris* came from the Fiscus. <sup>60</sup> Tacitus and Suetonius sometimes use such phrases as

<sup>49</sup> *ILS* 1540-4.

<sup>50</sup> *ILS* 1570, 1651, 1660.

<sup>51</sup> *ILS* 1648, 1650; *CIL* VI, 8519, 8521-2, 37744, VIII, 2702, 18250.

<sup>52</sup> *ILS* 1518; *N. d. Scavi* 1901, 20; *CIL* VI, 5744, 8573, xv, 7974 a, b, ranging from the Flavian dynasty to Antoninus Pius.

<sup>53</sup> *ILS* 1507, 1515-7; *CIL* XIII, 1800, ranging from Domitian to Commodus.

<sup>54</sup> Tac., *Hist.* IV, 9.

<sup>55</sup> Funisulanus Vettonianus (*ILS* 1005) and Pomposius Mettius, 'praefectus aerarii Saturni annos

III' (*CIL* VI, 1495), may fall under Vespasian's reign, but might have held the office late in Nero's reign. The first certain Flavian *praefectus aerarii Saturni* is Antistius Rusticus (*JRS* XIV, 1924, 180) under Domitian.

<sup>56</sup> Cassius Dio LXXII, 33.

<sup>57</sup> *ILS* 309.

<sup>58</sup> *Pan.* 42.

<sup>59</sup> *Pan.* 36.

<sup>60</sup> *de aqu.* 118. Here, it may be added, the distinction goes back to Claudius, but then meant something different. The emperor's slaves were his

'aerario aut fisco',<sup>61</sup> or 'aerario vel fisco',<sup>62</sup> or 'aerarii fisque',<sup>63</sup> in writing of earlier periods. Such phrases are probably anachronistic and cannot be used in evidence for Julio-Claudian arrangements.<sup>64</sup>

The terms 'fiscus' and 'fiscalis' still covered the *patrimonium*. In Africa, for instance, 'rustici tui vernulae et alumni saltum tuorum' pray Commodus that 'n(on) ultr(a) a conductorib(us) agror(um) fiscalium inquietemur'.<sup>65</sup> This usage continues in the Severan period and after. In Egypt the patrimonial estates (οὐσίαι) are spoken of as owing their rent to τὸ ταμείον,<sup>66</sup> and in Asia Minor *coloni* of τὰ δεσποτικὰ χωρία declare that their effects are pledged τῷ ἱερωτάτῳ ταμείῳ.<sup>67</sup> The lawyers use the same language. Callistratus<sup>68</sup> writes 'coloni quoque Caesaris a muneribus liberantur ut idoneiores praediis fiscalibus habeantur'. In bureaucratic language the *patrimonium* was by the beginning of the third century a *ratio* of the Fiscus.<sup>69</sup>

What happened under Severus is far from clear, and it will be best to state the evidence first. A new department, *patrimonium privatum*, or more commonly *ratio privata*, appears under a high-ranking procurator: the first procurator held office at the very beginning of Severus' reign.<sup>70</sup> At the same time the series of equestrian *procuratores patrimonii* ceases, the last being the first *procurator rationis privatae*: only one later *procurator patrimonii* is known, and he is a freedman.<sup>71</sup> But simultaneously both the *patrimonium* and the *ratio privata* produce a crop of local procurators, looking after provinces,<sup>72</sup> or sections or groups of provinces, and, in the case of the *ratio privata*, districts of Italy.<sup>73</sup> Hitherto the *patrimonium* had possessed no provincial office, save in Egypt,<sup>74</sup> and procurators of estates or groups of estates had apparently been subject to the procurator of the province. It would seem, *prima facie*, most uneconomical to have two procurators both engaged on estate management, merely because the legal status of the lands differed, and in fact one procurator sometimes doubled both jobs.<sup>75</sup> Finally the epigraphic evidence for the sundry 'fisci' at Rome and their procurators fades out: the *ratio castrensis* survives.<sup>76</sup>

The early third-century lawyers are rather hazy about the exact status of the new *ratio privata*. Sometimes they seem to distinguish it from the Fiscus: Ulpian<sup>77</sup> writes 'quodcumque privilegii fisco competit, hoc idem et Caesaris ratio et Augustae habere solet'. Callistratus,<sup>78</sup> commenting on a constitution of the Divi Fratres, 'si in locis fiscalibus vel publicis religiosive aut in monumentis thesauri reperti fuerint . . . ut dimidia pars ex his fisco vindicaretur,' adds the words 'item si in Caesaris possessione repertus fuerit, dimidiam aequae partem fisco vindicari': he must be thinking of the *ratio privata*, since the ruling of the Divi Fratres would have included patrimonial *possessiones Caesaris*, presumably under the term 'fiscales'. What is clear from these passages is that for all practical purposes the *ratio privata* ranked equally with the Fiscus. Fiscus seems to be equated with *ratio privata* in another passage of Callistratus<sup>79</sup> where he enumerates among cases 'ex quibus nuntiatio

private property and would naturally be maintained out of his private funds, his 'fiscus' in the Julio-Claudian sense. Frontinus no doubt means no more than that the funds were in the one case issued by the *praefecti aerarii Saturni*, and in the other by the *a rationibus*.

<sup>61</sup> *Ann.* II, 47. As much has been built on this passage, which deals with the remission for five years to Sardis of 'quantum aerario aut fisco pendebant', I should like to stress the extreme improbability on any theory that the tribute arising from each individual city was divided between two treasuries at Rome: surely, if there was at that date an imperial treasury at Rome which drew moneys from Asia, such moneys would have been a block grant from the 'fiscus Asiaticus'.

<sup>62</sup> *Ann.* VI, 17.

<sup>63</sup> *Diu. Vesp.* 16.

<sup>64</sup> In one passage (*Ann.* VI, 2) Tacitus contrasts Aerarium and 'fiscus': 'bona Seiani ablata aerario ut in fisco coegerentur, tamquam referret.' By comparison with *Ann.* IV, 20, it would appear that Tiberius claimed the estate of Sejanus for himself,

as being the product of his gifts, instead of allowing it to go as *bona damnatorum* into the Aerarium. 'Fiscus' thus here means the emperor's private estate.

<sup>65</sup> *ILS* 6870, III.

<sup>66</sup> Wilcken, *Chr.* I, 174, of A.D. 199.

<sup>67</sup> Keil and Premmerstein, *Denkschr. Ak. Wien* LVII, 55.

<sup>68</sup> *Dig.* I, VI, 6 (5), § 9.

<sup>69</sup> *CIL* XV, 4102, 4111, 4114, etc. 'fisci rationis patrimonii provinciae Baeticae', etc.

<sup>70</sup> *ILS* 1387; *AE* 1945, 80; cf. *ILS* 5920 for the date.

<sup>71</sup> *ILS* 1738, under Caracalla.

<sup>72</sup> *ILS* 1330, 1371, 1439.

<sup>73</sup> *ILS* 1347, 1370, 1422, 8852.

<sup>74</sup> *ILS* 1491 'qui proc. Alexandriae ad rat. patrimonii' under Hadrian; this may be a Latin version of the often attested *procurator usiacus*.

<sup>75</sup> *ILS* 1330 and, if *item* means concurrently, 1439.

<sup>76</sup> *CIL* VIII, 2702, 18250; VI, 2104, b, 40.

<sup>77</sup> *Dig.* XLIX, XIV, 6, § 1.

<sup>78</sup> *Dig.* XLIX, XIV, 3, § 10.

<sup>79</sup> *Dig.* XLIX, VI, 1, pr.

ad fiscum fieri solet' those in which 'princeps heres institutus et testamentum sive codicilli subrepti esse nuntiantur', or where it was reported 'decessisse qui in capitali crimine esset'. The *res privata* is said to have been built out of *bona damnatorum*,<sup>80</sup> and new inheritances surely went to it. The language of the lawyers is best explained on the assumption that 'fiscus' or 'fiscalis' remained a general term embracing all imperial finance, but that it was felt necessary to explain that the newly created *ratio privata* had fiscal status. In Byzantine terminology 'fiscalis' or ταμειακός is one of the many synonymous terms used to describe property of the *res privata*.<sup>81</sup>

This evidence suggests that Severus consolidated the numerous existing financial departments into two principal ministries, presided over by the *rationalis* or *a rationibus* and the *procurator rationis privatae*. The division of functions between these two ministries is not clear. It is misleading to say that the *patrimonium* was merged with the Fiscus under the charge of the *rationalis*, for the term 'fiscus' had always included the *patrimonium*, and as I have argued, seems to have embraced the new *res privata* as well. The distinction is not between 'fiscus' and *ratio privata*, but between *summae rationes* and *ratio privata*, both of which were comprehended within the general term 'fiscus'. The term *summae rationes* first appears in the late second century and gradually becomes standard in the third, as defining the sphere of the *a rationibus*.<sup>82</sup> There is no direct evidence as to what revenues or departments were included in the *summae rationes* and what in the *ratio privata*, but common sense would suggest that the first included taxation revenue, and the second revenue from estates. In the provinces, as I have shown, the two departments of the *patrimonium* and the *ratio privata* acquired under the Severi separate staffs of procurators, independent of the procurators of the provinces, and these staffs were soon merged. It seems probable that the same happened at the centre, and that the *procurator rationis privatae* had under his care two departments, the *ratio privata* proper and the *patrimonium* (under a subordinate freedman procurator). This arrangement would explain the very high rank which the *procurator rationis privatae* rapidly acquired; he was already a *trecenarius* under Severus or Caracalla,<sup>83</sup> equal, if not superior, to the *rationalis*. Whatever the extent of the Severan confiscations, newly acquired estates could hardly have equalled in importance the taxation revenue plus the accumulated estates of two centuries. It would also explain how, in Byzantine times, the *comes rei privatae* dealt with all landed property of the emperor, and the terms 'patrimonium (-alis)', 'fiscalis' and 'res privata' were used interchangeably.

<sup>80</sup> SHA *Vita Severi* 12.

<sup>81</sup> e.g. *Cod. Just.* XI, LXVIII (title), LXIX (title and laws 1 and 2), LXXI–LXXIV (titles); Marcian, *Nov.* 2; Just., *Nov.* 2; Theodoret, *Ep.* 42.

<sup>82</sup> *ILS* 1452, 1740, 6333; cf. 1347, 2942.

<sup>83</sup> *ILS* 478.



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## THE *IMPERIUM* OF AUGUSTUS \*

By A. H. M. JONES

There has been a tendency among some modern scholars to regard the constitutional position of Augustus as of negligible importance. This is a natural reaction from the excessive legalism of Mommsen and his school, and has had valuable results in elucidating extra-constitutional elements in the position of the first Princeps, such as his outstanding *auctoritas* and his huge *clientela*. I do not think however that we can lightly brush aside the constitutional basis of his power. I do not wish to suggest that the restored Republic was intended to be genuine, or even that Augustus meant to share his power with the Senate and People : never for one moment did he part with his control over the great bulk of the legions. But I would suggest he would not have created the elaborate façade of Republican legitimacy, and moreover have subjected his original scheme to at least one radical revision, unless there had been some important element in the State to which the constitution mattered, and mattered so profoundly that its dissatisfaction would endanger the stability of the régime.

This element was not, I think, primarily the nobility. They were too hard boiled to be put off by Augustus' sham Republic, and it was not the Republic that they so much lamented as their lost power. Moreover they had been decimated in the Civil Wars, and Augustus never trusted what was left of them : they do not hold high military commands as his *legati*. Nor do I think that it was the Roman People, if by this is meant the *plebs urbana* : the events of Augustus' reign prove that they wanted a popular dictatorship like Caesar's, and from time to time they broke out, demanding that Augustus accept a life-long consulship or dictatorship. Nor was it the rank and file of the army, who followed him because he was Caesar's son, and were to continue for generations to give blind allegiance to any Caesar, even a Nero. Who then were the republicans ? The greatest republican constitutionalist of the last days of the Republic was Cicero, a new man from an Italian town. Velleius Paterculus, the enthusiastic panegyrist of the restored Republic, came from an Italian family enfranchised in the Social War. Livy, the Pompeian historian, who glorified the stern fathers of the Republic, came from Padua. Looking a little later, Thrasyllus Paetus and his fellow admirers of Brutus and Cassius were worthy bourgeois from the *municipia et coloniae*, and Tacitus himself came from the same milieu. It was, I think, the great Italian middle class, most of whom were Roman citizens of the third generation only, who venerated the republican traditions of Rome. And they were important politically ; for from them were drawn the centurions and equestrian officers of the army, and picked men from among them were promoted to the Senate and held the higher army commands, in so far as these were not monopolized by the imperial family. Finally they were quite content with the form of the Republic, for their republicanism was sentimental and antiquarian : they had never tasted power under the old régime and had rarely even aspired to do so.

To turn to the events. In 27 B.C., having purged the Senate, Imperator Caesar restored the Republic with a great flourish of trumpets and was rewarded with the *cognomen* of Augustus by the grateful Senate. The legal powers enjoyed by the Princeps at this moment were somewhat limited. He possessed the sacrosanctity of a tribune, granted in 36 B.C. (see p. 115, n. 21). He was moreover one of the consuls of the year. Of what happened next we have only Dio's account, and according to him Augustus was voted a number of provinces for

\* This paper was read to the London Classical Society and subsequently to the Oxford branch of the Classical Association. I have thought it best to print it substantially as spoken, with a few alterations and amplifications which arose out of the discussions, adding only the references to the original authorities.

The bulk of the literature on the topic is so large that any attempt to indicate when I follow the views of other scholars, or to controvert in detail the views of those with whom I disagree, would bury the text in a quite disproportionate undergrowth of notes.

ten years. These provinces Dio enumerates according to their later boundaries : in 27 B.C. they could have been summed up as Hither Spain, Transalpine Gaul, Syria, and Egypt.<sup>1</sup>

It has been argued *ad nauseam* whether Augustus' *imperium* at this stage was consular or proconsular. I do not believe that the question arose. Augustus was consul, and the Senate assigned him a *provincia* : no grant of *imperium* was required, for, to quote Appian Claudius Pulcher, speaking as consul, about to depart for his province at the end of 54 B.C., 'se quoniam ex senatus consulto provinciam haberet lege Cornelia imperium habiturum quoad in urbem introisset.'<sup>2</sup> It is true that the Lex Pompeia de provinciis had since then modified the position by inserting a five years' interval between magistracy and promagistracy, but this law had evidently either been abrogated or fallen in abeyance before 27 B.C., since Augustus either re-enacted or revived it in that year.<sup>3</sup> The revival of the Lex Pompeia would naturally have come after the assignment of Augustus' province, which, as an extraordinary command, would in any case have been (and of course was) exempted from its provisions. The grant of the provinces must have included the right to appoint numerous *legati*, which Pompey and Caesar had received before. It was probably at this date also that Augustus was given the right to declare war and make treaties which is mentioned by Strabo and by the Lex de imperio Vespasiani.<sup>4</sup> There were Republican precedents for this in the Lex Manilia and the Lex Trebonia<sup>5</sup> and it was a not unnatural privilege for the magistrate who was to control most of the frontiers for the next ten years ; it also incidentally gave Augustus control over the numerous and powerful kings of the Empire. Though this right proved to be life long as Strabo describes it, I think that it was probably originally linked with the *provincia*, as in the cases of Pompey and of Crassus.

We tend, I think, knowing what did happen next, to assume too readily that it was an open secret at the time that Augustus was going to be consul year after year. Dio, for what he is worth, represents the majority of the Senate as being in the dark,<sup>6</sup> and if this is true many of them may have hoped and expected that Augustus would, like Caesar in 59, go and govern his provinces, or at the worst, like Pompey in 55, hang about in Italy as proconsul, governing his provinces through his legates. But if so they were disappointed ; for Augustus stood for, and was naturally elected to, the consulship in 26, and again in 25, and in 24, and in 23.

He thus placed himself in a position which could hardly be called republican. The only recent precedent for a continuous series of consulships was Marius, hardly a reputable figure. Moreover, in addition to ruling the great *provincia* which the Senate had assigned to him, he possessed the vast and undefined powers of a consul, which he could stretch to include an ultimate control over all proconsuls ; for according to that excellent republican jurist, Cicero, 'omnes in consulis iure et imperio debent esse provinciae' and to the consuls 'more maiorum concessum est vel omnes adire provincias'.<sup>7</sup> It is doubtful whether Augustus used this prerogative ; for he spent these years within his provinces of Spain or Gaul, or in Italy. But the incident of Primus, proconsul of Macedonia, charged with making war on the Odrysae without authorization, proves that Augustus was suspected of ordering proconsuls about ; for Primus claimed in defence that he had acted on Augustus' orders, and when Augustus, questioned by the praetor, denied this, Primus' counsel Murena

<sup>1</sup> Dio, LIII 12-13. Strabo (p. 840) gives a truer picture of the division of the provinces, when he enumerates the separate public provinces, and treats Caesar's share as one area which he subdivided as convenient into districts under *legati*, consular or praetorian, or procurators.

<sup>2</sup> Cic., *ad Fam.* I, 9, 25. Dio's words in LIII 12, 1, may imply that the Senate's decree was confirmed by a law ; the late Republican precedents are not decisive, particularly as Caesar held Transalpine Gaul by virtue of a *senatus consultum* only.

<sup>3</sup> Dio, LIII 14, 2 ; cf. XL 56, 1.

<sup>4</sup> Strabo p. 840 (peace and war and control over kings) ; *ILS* 244 (treaties).

<sup>5</sup> Appian, *Mith.* 97 ; Dio, xxxix 33, 2.

<sup>6</sup> Dio, LIII 11.

<sup>7</sup> *Phil.*, IV 9 ; *ad Att.*, VIII 15, 3. Mr. C. E. Stevens has pointed out to me that Republican consuls might on occasion exercise this *maius imperium* in a small way. Cicero writes to a proconsul (*ad Fam.* XIII, 26, 3), 'quod quo minore dubitatione facere posses, litteras ad te a M. Lepido consule, non quae te aliquid iuberent (neque enim id tuae dignitatis esse arbitrabamur), sed quodam modo quasi commendaticias sumpsimus,' which implies that a consul could issue commands to a proconsul by letter. The letter of Octavian to Norbanus Flaccus, proconsul of Asia (Jos., *Ant. Jud.* XVI 166, cf. 171 and Philo, *Leg. ad Gaium* 40, § 315), must be dated between Actium and the restoration of the Republic and therefore cannot be used as evidence of normal consular prerogative.

asked him what he was doing in court in that case, implying that he doubted his word.<sup>8</sup> And even if Augustus did not interfere with other proconsuls, he was from time to time in Rome, where as consul he could dominate the Senate. Matters were made worse by the too obvious parade of Marcellus as heir apparent, which suggested a hereditary tyranny: Primus at his trial exploited this suspicion by claiming that Marcellus had given him instructions, and Augustus after Marcellus' death thought it prudent to offer to publish his will to prove that he had no intention of founding a hereditary monarchy.<sup>9</sup>

That this state of affairs caused bitter dissatisfaction is proved by the conspiracy of Caepio and Murena, misplaced by Dio in 22, really belonging to the previous year:<sup>10</sup> this conspiracy was all the more serious in that Murena was what Velleius calls a good man, that is a Caesarian, and it must have been a sharp reminder to Augustus that, if he was to avoid his adoptive father's fate, something must be done. This, I think, is the true explanation of Augustus' abrupt resignation from his consulship in 23. He had, it is true, been very ill, and had even made arrangements envisaging the possibility of his death, handing his seal to Agrippa, and the accounts of the Empire to his colleague Piso.<sup>11</sup> But his weakened health was no more than a convenient excuse for the constitutional change which he now made, a change which did not effectively reduce the amount of work or responsibility which he had to undertake.

For what happened in 23 we are again dependent on Dio.<sup>12</sup> Augustus resigned his consulship, and to prove his good republican principles, filled its remaining term by L. Sestius, an open admirer of Brutus, who had fought on his side in the Civil Wars. To compensate for the abandonment of the consulate the Senate voted him τὴν ἀρχὴν τὴν ἀνθύπατον ἑσαεὶ καθάπαξ ἔχειν, ὥστε μήτε ἐν τῇ εἰσόδῳ τῇ εἴσω τοῦ πωμηρίου κατατίθεσθαι αὐτὴν μήτ' αὐθις ἀνσνεοῦσθαι, καὶ ἐν τῷ ὑπηκόῳ τὸ πλεῖον τῶν ἑκασταχόθι ἀρχόντων ἰσχύειν. Dio is wrong if he meant that the Senate gave Augustus an *imperium*: he had already had it as proconsul of his province. That there was no break in his provincial command is proved by the fact that it was renewed at the end of the original ten years.<sup>13</sup> What the Senate did was to modify that *imperium* in two ways; by enacting that it should not lapse when Augustus re-entered the *pomerium* as did an ordinary proconsul's *imperium*, so that Augustus could when he wished attend to affairs in the capital, leaving his provinces to his legates, without having to have his *imperium* renewed each time; and secondly by making his *imperium maius* in relation to that of other proconsuls. This latter point has been the subject of infinite debate, and I have nothing new to say on it. I can only say that I do not rate Dio so low as to think he made up this clause, and that in my view some of the Cyrene edicts, and also an edict to Asia preserved by Josephus, display Augustus exercising a *maius imperium*.<sup>14</sup> The opponents of the idea seem to me to be tilting against windmills. They transform a *maius imperium* whereby one proconsul's wish prevails over the wills of other proconsuls in case of a clash into the revolutionary *imperium* whereby the triumvirs claimed to appoint all magistrates and promagistrates and treat them as their delegates, and then quite truly assert that Augustus claimed no such power. The *maius imperium* was perhaps intended as some compensation for the loss of the vague overriding powers which Augustus may have been deemed to hold as consul, or may have been initially voted to enable Augustus to undertake the tour of the provinces upon which he did in fact next year embark.

Dio's statement that the *imperium* was granted once for all seems to conflict with his later statements that the provincial command was renewed for terms of five or ten years. Technically I think that Dio is correct. According to the Lex Cornelia de provinciis a

<sup>8</sup> Dio, LIV 3, 1-3. For the date see note 10 (Murena was alive at the time).

<sup>9</sup> Dio, LIII 31, 1.

<sup>10</sup> Dio, LIV 3, 4; Vell. Pat., II 91; Suet., Aug. 19, 1; 56, 4; 66, 3; Tib. 8; for the date, the *Fasti Capitolini*.

<sup>11</sup> Dio, LIII 30, 1-2; Suet., Aug. 28, 1.

<sup>12</sup> Dio, LIII 32, 5.

<sup>13</sup> Dio, LIII 13, 1; 16, 2; LIV 12, 4-5.

<sup>14</sup> SEG, IX 8, especially the use of κελεύω in III and α ἔσκει in IV; Jos., Ant. Jud., XVI 162-5 (κελεύω is used in the last clause ordering publication in Asia); cf. also Pliny, Epp., x 99, for an *edictum divi Augusti* regulating Bithynian cities, and a letter of Agrippa to Cyrene (Jos., Ant. Jud., XVI 169-170), also using κελεύω and citing a letter of Augustus to the governor of Cyrenaica.



proconsul held his *imperium* not for any fixed time, but 'quoad in urbem introisset'.<sup>15</sup> The Senate had removed this limitation and Augustus' *imperium* became thereby perpetual. But the *imperium* without any *provincia* in which to exercise it was a tenuous conception—it was in fact merely the capacity to assume a *provincia* when assigned without waiting for a law conferring *imperium*. It could only be actualized by the grant of a *provincia*, and this was done from time to time so as to make Augustus perpetual proconsul. In my view from 23 Augustus was a proconsul exercising his *imperium* in the province assigned to him, but with power to exercise it in other provinces if he disagreed with their proconsuls.

As far as the provinces were concerned Augustus was thus placed by formal grant in the position which he had occupied hitherto in virtue of his undefined powers as consul. In Rome and Italy he had no *locus standi*. As this point is important, I had better elaborate it. A proconsul possessed *imperium* from the passing of his *lex curiata* (whether as consul, or, if he were a *privatus*, when his province was assigned to him) till he re-entered the city; but he could exercise his *imperium*, except by special authorization, only in his province. The later imperial lawyers are explicit on this point. As Ulpian says 'proconsul ubique quidem proconsularia insignia habet, statim atque urbem egressus est: potestatem autem non exercet nisi in ea provincia sola quae ei decreta est'.<sup>16</sup> That this rule goes back to Sulla at any rate is indicated by Cicero's remark in the *in Pisonem*: 'mitto exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi Romani aut senatus accedere, quam cum plurimae leges veteres, tum lex Cornelia maiestatis, Iulia de pecuniis repetundis planissime vetat.'<sup>17</sup> There are two exceptions to this rule. A proconsul might exercise a jurisdiction 'non contentiosam sed voluntariam', e.g. manumit slaves, outside his province.<sup>18</sup> Secondly, a proconsul on his way to or from his province might be authorized by the Senate to perform some particular task, as it was proposed that Verres should round up some insurgent slaves at Tempesa, and that Cicero should take charge of Sicily: it was sometimes more convenient to revive the dormant *imperium* of a passing proconsul than send someone with *imperium* from Rome.<sup>19</sup> But such an exercise of *imperium* could, it would seem, be undertaken only 'iussu populi Romani aut senatus'.

To provide Augustus with a modest position in Rome the Senate, and no doubt the People, voted that he should possess *tribunicia potestas* for life. I believe this to have been the first occasion that the *tribunicia potestas* was granted to him, for the good reason that Augustus numbers his tenure of it from this year. It may also be noted that Augustus distinguishes a perpetual grant of *sacrosanctitas* from a grant of *tribunicia potestas* for life.<sup>20</sup> Appian and Orosius must therefore be wrong in speaking of a grant of *tribunicia potestas* in 36, when Dio speaks only of *sacrosanctitas*.<sup>21</sup> The additional rights which Augustus acquired with the full power of a tribune would have been those of *auxilium* and *intercessio*, the *ius agendi cum plebe*, and the *ius consulendi senatus*.

These powers were useful but neither very essential nor very adequate. The power of *intercessio* was very occasionally used by Tiberius and Nero to quash sentences by the Senate,<sup>22</sup> but it was scarcely essential: on the rare occasion when a defiant magistrate flouted him he could surely have relied on one of the ten tribunes exercising his veto on his behalf. The *ius agendi cum plebe* Augustus himself used to put through some of his social legislation.<sup>23</sup> But it was hardly necessary for him to be the formal mover: for the rare occasion when a law was called for he could always find an obliging consul, and in fact for several of his major social laws—the Lex Junia, the Lex Fufia Caninia, the Lex Aelia

<sup>15</sup> Cic., *ad Fam.*, I 9, 25.

<sup>16</sup> *Dig.*, I xvi, I; cf. 4, 6: 'post haec ingressus provinciam mandare iurisdictionem legato suo debet: nec hoc ante facere quam fuerit provinciam ingressus. est enim perquam absurdum, antequam ipse iurisdictionem nanciscatur (nec enim prius competit quam in eam provinciam venerit) alii eam mandare quam non habet'.

<sup>17</sup> Cic., *In Pis.*, 50.

<sup>18</sup> *Dig.*, I xvi, 2; cf. Pliny, *Epp.*, VII 16, 32.

<sup>19</sup> Cic., II *Verr.*, v 39-41; *ad Att.*, VII 7, 4.

<sup>20</sup> *Res Gestae*, 10.

<sup>21</sup> Appian, *BC*, v 132; Orosius, VI 18, 34; Dio, XLIX 15, 5-6. Mr. Last has kindly allowed me to anticipate the publication of an article in which he argues that Octavian refused the tribunician power which was, according to Dio (LI 19, 6), among the many honours offered to him (but not all accepted, Dio, LI 20, 4) in 30-29 B.C.

<sup>22</sup> Tac., *Ann.*, III 70; XIV 48; XVI 11.

<sup>23</sup> *Res Gestae*, 6.

Sentia, the Lex Papia Poppaea—not to speak of the Lex Valeria Cornelia<sup>24</sup> which remodelled the electoral procedure, and such minor measures as the Lex Quinctia de aqueductibus<sup>25</sup> he did use the consuls. The *ius consulendi senatus* was more practically useful, but here also it was always possible to use the consuls, and in point of fact it so happens that all the surviving *senatus consulta* of the reign were moved by the consuls.<sup>26</sup> Moreover a tribune enjoyed a very low priority in summoning or consulting the Senate, which was hardly consonant with the dignity of Augustus, and from the very start he was accorded the special right of putting one question in each session even if not consul, and in the following year the special right of summoning the Senate when he wished: these rights are recorded in the Lex de imperio with others of a similar kind.<sup>27</sup> It is to my mind suggestive that, when Tiberius on Augustus' death summoned the Senate by virtue of his *tribunicia potestas* (not yet possessing the special prerogatives), he explicitly stated, in a somewhat apologetic fashion, that he was using this power.<sup>28</sup> This surely implies that Augustus had not normally so used it. Augustus in fact hardly needed to use his *tribunicia potestas* at all, since he could achieve the same ends by his *auctoritas*. A formal veto was not needed when a hint would suffice: it was not necessary to make proposals to the Senate or the People when others acting on his advice would carry through his measures.

Yet Augustus made the tribunician power, as Tacitus puts it, 'summi fastigi vocabulum,'<sup>29</sup> numbering the years of his reign by it and granting it most sparingly to his colleagues to mark them out as his potential successors. One reason why he did so was, no doubt, the very fact that it did convey so little power; by making it appear that his position rested on so harmless a prerogative he could conceal the real constitutional basis of his power. Another reason was, I suspect, that the tribunate was popular. We do not, I think, sufficiently appreciate the sentimental associations of the tribunate in the minds of the common people. In the optimate tradition, which we mainly hear, the tribunate was a baneful institution and the great tribunes were villains. But contrast Cicero writing for an upper class audience, and Cicero addressing the people: in his public speeches the Gracchi are heroes;<sup>30</sup> and Caesar could find no better *casus belli* to inflame his troops with wrath than the violation of the tribunes.<sup>31</sup> By posing as tribune of the *plebs* Augustus hoped to rally this popular sentiment for himself, and to represent that he occupied his high position 'ad tuendam plebem'.<sup>32</sup> The assumption of the tribunician power was in short a gesture, and a gesture to two parties in the State. To the *plebs*, it was a guarantee—which as subsequent events proved they did not consider adequate—that Augustus was not abandoning them to the optimates, to the optimates a threat that Augustus might revive the popular tradition of his adoptive father if they would not play ball with him.

The text books usually represent the settlement of 23 B.C. as the final step, after which they all lived happily ever after. It was in fact the signal for a prolonged and violent agitation. In the following year there were riots, and Augustus was pressed to accept a dictatorship or a perpetual and annual consulship, and according to Dio a perpetual censorship and a *cura annonae* with sweeping powers like that given to Pompey in 57 B.C.; Augustus admits that he accepted a *cura annonae* as a temporary measure, and he had censors elected, which suggests that Dio is right in saying that the censorship was pressed upon him.<sup>33</sup> After Augustus had left for the East, the people insisted on electing him consul for 21 B.C. and for long refused to fill the vacancy when he would not accept office.<sup>34</sup> In 21 B.C. Agrippa was sent to Italy, and succeeded in getting a second consul elected for that year, and in arranging the consular elections for the next year. But after his departure, when the elections for 19 B.C. came on, the people again insisted on reserving one consulship for Augustus. The situation grew so serious that in the summer of 19 B.C. the Senate

<sup>24</sup> Cited in Ehrenberg and Jones, *Documents*, no. 365.

<sup>25</sup> o.c., no. 279.

<sup>26</sup> o.c., nos. 30 (*ludi saeculares*), 278 (aqueducts), 307 (Mitylene), 311 (*repetundae*).

<sup>27</sup> Dio, LIV 32, 5; LIV 3, 3; *ILS* 244.

<sup>28</sup> Tac., *Ann.*, I 7.

<sup>29</sup> Tac., *Ann.*, III 56.

<sup>30</sup> Contrast *de lege agr.*, I 21, with II 10.

<sup>31</sup> Caesar, *BC* I 7.

<sup>32</sup> Tac., *Ann.*, I 2.

<sup>33</sup> *Res Gestae*, 5; Dio, LIV I, 3-5; 2, 1.

<sup>34</sup> Dio, LIV 6, I-2.

passed the SC *ultimum*, and the one consul begged Augustus to return, which he did on 12th October: the Senate's relief was revealed by its sending a special delegation to meet him in Campania and voting an altar of Fortuna Redux.<sup>35</sup>

These disturbances are of course susceptible of two explanations, and I think that there may be some truth in both. They would hardly have been so sustained unless there had been some popular feeling behind them, and it looks as if the populace took Augustus' resignation of the consulship very seriously, and feared that its champion was going to abandon his dominating position and that the anarchy of the Republic would begin again: the people, it seems, cared little for the constitution but wanted a strong man to rule. On the other hand Augustus was probably not ill pleased to prove to the constitutionalists that if he withdrew to his provinces and abandoned control of Rome to them, ruin would follow. In his nervousness in 23 he had jumped back further than he wanted; now he could step forward once more, and the Senate would be only too thankful to give him the necessary powers.

Dio says that these were consular powers for life—τὴν δὲ τῶν ὑπάτων (sc. ἐξουσίαν) διὰ βίου ἔλαβεν, ὥστε καὶ ταῖς δώδεκα ῥάβδοις αἰεὶ καὶ πανταχοῦ χρῆσθαι καὶ ἐν μέσῳ τῶν αἰεὶ ὑπατευόντων ἐπὶ τοῦ ἀρχικοῦ δίφρου καθίζεσθαι.<sup>36</sup> These words of Dio have been interpreted so that the consecutive clause defines and qualifies the opening sentence; that is, Augustus received so much of the consular *imperium* as consisted in the twelve lictors and the seat between the consuls. Dio's words will bear this interpretation, but other facts seem to me to indicate that he is right in assigning to Augustus from this date a consular *imperium* which was valid in Rome and Italy. The chief objection brought against this view is that Augustus never mentions such an *imperium* in his *Res Gestae* or his titulature. But this is rather naïve. Augustus may have told nothing but the truth, but he certainly did not feel it necessary to tell the whole truth. I challenge any impartial reader to find in the *Res Gestae* any allusion to the main basis of his power, his *imperium* in his own *provincia*. From the *Res Gestae* one would infer that Augustus had held many consulates and other honours and waged many wars, but never that for forty-one years continuously he had been proconsul of half the empire: that would not have looked well. And in his imperial titles similarly Augustus blazoned the number of his consulates and imperial salutations, the years of his tribunician power, and harmless offices and titles such as *pontifex maximus* and *pater patriae*, but never mentioned his proconsular *imperium*.

On the other hand there are many powers which Augustus exercised in Italy and even in Rome which could only be based on the *imperium*. And here I think that I must pause to draw a distinction between what could be done by *auctoritas* and what by *imperium*. By *auctoritas* Augustus could get many important things done: he could get a *senatus consultum* passed in the sense which he wished or he could get A and B elected consuls instead of C and D. But to give commands to soldiers and to exercise jurisdiction he required *imperium*; one could not say 'C. Seium gladio animadverti placet' in virtue of *auctoritas*. Now Augustus did command troops, the Praetorian cohorts, stationed in Italian towns, and the three Urban cohorts and the *vigiles* actually in the city.<sup>37</sup> He exercised a civil and criminal jurisdiction within the city which Dio at any rate derives from the *imperium*.<sup>38</sup> He exercised magisterial *coercitio* not only against actors,<sup>39</sup> but also against a Roman knight, Ovid, whom

<sup>35</sup> Dio, LIV 10, 1-3; *Res Gestae*, 11, 12.

<sup>36</sup> Dio, LIV 10, 5. It has been suggested to me that it was at this date that Augustus toyed with the idea of being third consul (Suet., *Aug.*, 37).

<sup>37</sup> Suet., *Aug.*, 49, 1; *Tib.*, 37, 1; Dio, LV 26, 4; Tac., *Ann.*, 1 7. The mere command of troops in Italy is not perhaps decisive, for the law evidently allowed proconsuls to muster their troops and march them to the frontier or port of embarkation, and Augustus must presumably have used this loophole to keep the praetorians in being between 1st July, 23, and the spring of 22, when he remained in Rome

as proconsul. But it would have been stretching the law very far to keep troops permanently in arms, and illegal to use them, as Augustus and Tiberius did (see Suet., *Aug.*, 32, 1; *Tib.*, 37, 1; Tac., *Ann.*, IV 27), to maintain order in Italy.

<sup>38</sup> Dio, LIII 17, 5-6. It is difficult to cite evidence for Augustus' jurisdiction beyond the general statement in Suet., *Aug.*, 33, and the rather dubious anecdotes recorded there and in Dio, LV 7, 2; for Tiberius there are of course well attested cases, e.g. Tac., III 10; IV 22; VI 10.

<sup>39</sup> Suet., *Aug.*, 45, 4.

he relegated to Tomi.<sup>40</sup> He also apparently levied troops by conscription both in Italy and Rome.<sup>41</sup> What is most significant he appointed a *praefectus urbi*, a specifically consular prerogative,<sup>42</sup> and delegated *imperium* within the city to him.<sup>43</sup>

The chronology of the urban prefects is particularly interesting. Augustus first appointed a *praefectus urbi*, Messalla Corvinus, in 26 or 25 B.C. when he was consul, but had to be absent to look after his province.<sup>44</sup> Between 22 and 19 he was again away but he appointed no *praefectus* and there seem to have been no troops available to keep order in Rome. All that Augustus did was to send Agrippa to Rome in 21, apparently without any official position.<sup>45</sup> It is perhaps noteworthy that the attempt of the consuls to appoint a *praefectus urbi* for the Latin festival occasioned riots and had to be abandoned:<sup>46</sup> the populace perhaps resented what looked like an attempt by the consuls to arrogate to themselves an appointment which the people wished Augustus to exercise. But when Augustus next left Rome in 16 B.C. he appointed a *praefectus urbi*, Statilius Taurus.<sup>47</sup> By what power unless he now held a consular *imperium*? Another less striking but specifically consular prerogative which Augustus exercised in the latter part of his reign was that of receiving *professiones* (or making *nominaciones*) for the consular and praetorian elections, concurrently with the consuls.<sup>48</sup> Finally Augustus himself explicitly states that on two occasions he used a *consulare imperium* in Italy, to conduct the censuses of 8 B.C. and A.D. 14.<sup>49</sup> This is generally explained away as an *ad hoc* grant, but such an explanation is most implausible. If special powers had to be voted to him, it would have been more economical and more modest to ask for a *censoria potestas*: a *consulare imperium* was a very heavy tool for the conduct of a census, which needed no *imperium* at all. If on the other hand Augustus possessed a consular *imperium* already, it was natural that he should use it for conducting his censuses, instead of applying for special powers.

What precise form the enactment of 19 B.C. took it is scarcely possible to say. I find it rather difficult to believe what Dio appears to say, that Augustus received a consular *imperium* in addition to his existing *imperium* in provinces. It would seem more plausible that the Senate declared Augustus' *imperium* to be equal to that of the consuls, thus releasing it from its territorial limitations. The titles given to the *imperium* are not very helpful in solving this question. The *imperium* in Italy was in Augustus' day called consular, as Augustus himself testifies; but so, no doubt, as Pelham has argued, was the *imperium* which Augustus held *pro consule* in the provinces.<sup>50</sup> By Claudius' day terminology seems to have changed, if Tacitus is accurate in saying that the young Nero was in 51 granted 'proconsulare imperium extra urbem'.<sup>51</sup> This phrase implies that Claudius' *imperium* (which presumably would have been valid *intra urbem* also) was deemed to be proconsular not only in the provinces, but in Italy. And indeed Claudius seems to have thought that his position was not quite that of a consul when he asked for ὑπὸτον τινα ἐξουσίαν to celebrate his triumphal games.<sup>52</sup> For what it is worth I think that this evidence suggests that the emperors possessed one *imperium* only which was earlier called consular, later proconsular. But whatever the technicalities it seems to me clear that from 19 B.C. Augustus exercised his *imperium* not only in his own provinces, and when occasion arose in the public provinces, but also in Italy and Rome itself.

Augustus shared his *imperium* with various colleagues from time to time, but not, it

<sup>40</sup> Ovid, *Tristia*, II 135. Ovid's use of formal terms (*edictum, poena, relegatus*) shows that his exile was legal *relegatio*. The power of *relegatio* was dependent on the *imperium*, as is shown by the rulings of the Digest (XLVIII, xxii, 7, 1, 6-17), which lay down that a *praeses* can relegate to an island only if he has one in his province, and can interdict from his own province only; his writ ran only where his *imperium* was operative. Augustus could have claimed as a precedent the *relegatio* of a Roman knight by Gabinius as consul in 58 B.C. (Cic., *pro Sestio* 29-30).

<sup>41</sup> Dio, LVI 23, 2-3; Suet., *Aug.*, 24, 1; Tac., *Ann.*, I 31. If the anecdote in Suetonius is true and belongs to this period, it would prove that Augustus himself enforced the levy.

<sup>42</sup> Tac., *Ann.* VI 11.

<sup>43</sup> Dig. v 1, 12: 'item hi quibus id concessum est propter vim imperii, sicut praefectus urbi, ceterique Romae magistratus'.

<sup>44</sup> The date is given by Jerome's Chronicle.

<sup>45</sup> Dio, LIV 6, 4-5; Tacitus' omission of his name proves that he was not formally *praefectus urbi*.

<sup>46</sup> Dio, LIV 6, 6.

<sup>47</sup> The date is given by Dio, LIV 19, 6.

<sup>48</sup> Tac., *Ann.* I 14, 81 (Tiberius was of course following Augustus' precedent).

<sup>49</sup> *Res Gestae*, 8.

<sup>50</sup> *Essays*, pp. 65 ff.

<sup>51</sup> Tac., *Ann.*, XII 41.

<sup>52</sup> Dio, LX 23, 4.

would appear, his *imperium* over Italy. Agrippa's position in 23-13 B.C. is a well-known tangle; it is perhaps sufficient for my purpose to note that he exercised his *imperium* in Gaul and Spain, and in the eastern provinces, but that in Italy, where he was in 21, his position seems to have been unofficial. In 13 B.C. his *imperium* was renewed and is explicitly stated to have been *maius* outside Italy (μείζον αὐτῷ τῶν ἐκασταχόθι ἔξω τῆς Ἰταλίας ἀρχόντων ἰσχύσσαι ἐπιτρέψας).<sup>53</sup> For Augustus' later colleagues no very clear evidence exists until we come to the renewal of Tiberius' powers in A.D. 13. On this occasion our authorities imply that Tiberius was granted a position more nearly equal to Augustus than any colleague had hitherto enjoyed, 'ut aequum ei ius in omnibus provinciis exercitibusque esset quam erat ipsi' according to Velleius; according to Suetonius, 'ut provincias cum Augusto communiter administraret, simulque censum ageret.'<sup>54</sup> But even now nothing is said of Italy, and it is indeed implicitly excluded by the special powers granted to Tiberius to hold the census concurrently with Augustus.

This circumstance may explain the awkward situation which arose on Augustus' death. I find Tacitus' narrative very confusing, and I doubt whether he grasped the niceties of the constitutional position. He seems for instance to regard Tiberius' action in continuing to issue orders to the provincial armies as illegal. On the generally accepted view, on the other hand, no problem would have presented itself at all. Except for a few ornamental offices and titles, like *pontifex maximus*, *Augustus* and *pater patriae*, and a few minor powers, like the special right to convoke and consult the Senate, Tiberius would have stood in precisely the same position as Augustus without any further ado. If my view is correct, however, Tiberius was back where Augustus had been in 23 B.C.; he had command over his provinces and their armies and a *maius imperium* over other proconsuls, but in Italy he had only the tribunician power, which he used to summon the Senate. His assumption of command over the Praetorian and Urban cohorts was probably *ultra vires*, but what else could he do? And it would seem that the office of praefect of the city temporarily lapsed, since the magistracy which had delegated the *imperium* to it had disappeared. This would explain the well-known puzzle of Lucius Piso, who is stated to have served as praefect of the city for twenty years down to his death in A.D. 32, but in A.D. 14 is conspicuously absent from the group of high officials who take the oath.<sup>55</sup>

The general picture that I would draw of the reign is then that after the restoration of the Republic it falls into three phases. In the first Augustus attempted too blatant an exhibition of power; checked by the fear of assassination he next made a sharp retreat, and let the Senate realize that they could not do without his guiding hand in Rome; in the third he recovered, but in a less obtrusive form, much of the same power that he had possessed before 23 B.C.

<sup>53</sup> Dio, LIV 28, 1.

<sup>54</sup> Suet., *Tib.*, 21, 1; *Vell. Pat.*, II 121.

<sup>55</sup> Tac., *Ann.*, VI 11, contrast I 7. By this theory Piso would have been appointed in A.D. 12 or 13 when Augustus was getting beyond active work (see

Dio, LVI 26, 2; 28, 2) and reappointed early in Tiberius' reign, thus providing some nucleus of fact for the scandalous anecdote recorded in Pliny, *NH*, XIV 145, and Suet., *Tib.*, 42, 1; cf. Seneca, *Epp.* 83, 14.

TWO SYNODS OF THE DELIAN AND PELOPONNESIAN LEAGUES

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10                    μίου λ[...]. περί || εἰς εὐλαβείαν [  
                       π[.....] σ'' παθῶν δὲ δύν [  
                       τ[.....] νχησ γὰρ πλείστ[τ]α σὺ [  
                       ρ[.....] δ' ὧν κατασκοποῖ ||

1 ὀλί *ed. pr.* δη[ι]ο[υ]ς τρ[ο]μευμένους Diehl || 2 λεώ Diehl || 4 ἀφε[σ]μένοι *sive* ἀφε[ι]μένων Diehl || 7 πᾶς ἰω[ν] δῶν Croenert Πασίων Maas || 9 δύν Skeat: δειν *ed. pr.* || 11 ρ Croenert: 'forsitan 1 sit praefendum' Skeat: 'δῶν Diehl.

Milne was led by the Ionisms in B (πατεῦσα B 2, πονεύμενοι B 5) and the lengthenings before a mute and a liquid (ἀπληκτος B 2, ἐγκατέδρ[α]θεν or ἐγκατέδρ[α]σεν B 3) to assign both fragments to an early iambographer: a hazardous association of B 10 with Semonides fr. 26 led him to name Semonides as the author. A. D. Knox (in *Journal of Egyptian Archaeology* XV, 1929, 140) drew attention to the Atticisms in A (τῶν ἐνοικούντων γενῶν 5, εὐλάβειαν 8) and to the omission of the augment in θάρσυνεν (A 2) and perhaps σκιδν (A 6: τείναν at A 6 could be explained as a case of prodelision). He therefore suggested that A came from a tragic messenger's speech and had nothing to do with B; the papyrus, he thought, came from an anthology. Diehl (*loc. cit.* p. 68) misleadingly implies that Knox thought both pieces came from tragedy: but Knox did not mean this to apply to B, whose dialect is certainly Ionic. I abstain from any vain speculation: but cannot resist pointing out how well the fragments of B would suit a description of the murder of Candaules.

HUGH LLOYD-JONES

## TWO SYNODS OF THE DELIAN AND PELOPONNESIAN LEAGUES

In their speech dissuading the Athenians from the Corcyraean alliance the Corinthians are represented by Thucydides (I, 40, 5) as saying: οὐδὲ γὰρ ἡμεῖς Σαμίων ἀποστάντων ψήφον προσεθέμεθα ἐναντίαν ὑμῖν, τῶν ἄλλων Πελοποννησίων δίχα ἐψηφισμένων εἰ χρή αὐτοῖς ἀμύνειν, φανερώς δὲ ἀντίπομεν τοὺς προσήκοντας συμμάχους αὐτόν τινα κολάζειν.

The significance of this passage for Corinthian policy has often been noted, but its bearing on that of Sparta seems to have been ignored. The occasion to which allusion is made is evidently a formal congress of the Peloponnesian League; the language is explicit—the Peloponnesian cities are divided in their vote, Corinth does not record her vote against Athens, but speaks on her behalf. From the detailed account of the preliminaries of the Peloponnesian war we know the procedure of the League. A complainant first applied to Sparta (I, 67), the Spartan assembly voted (I, 87), and if its vote were favourable, the Spartan government summoned a congress of the allies (I, 119), whose vote was taken (I, 125). If this vote were also favourable, the League took action. The machinery was evidently so designed that Sparta could not be committed to a war without her prior consent, nor could she commit the League to a war without the agreement of the majority of its members.

Samos must then have approached Sparta, and the Spartans must have voted for war against Athens, before the meeting of the League congress at which Corinth swayed the vote in favour of peace. The incident demonstrates the persistence at Sparta of a strong war party, eager to strike at Athens, in defiance of treaties, when-

ever she was embarrassed. This party had won the day at the time of the revolt of Thasos, when the Spartans promised to invade Attica (1, 101, 2) despite the still subsisting alliance between Athens and Sparta (1, 102, 4). The same party prevailed in 440, though Sparta had signed the Thirty Years' Peace only six years before. This fact must be borne in mind when assessing Athenian policy immediately before the outbreak of the Peloponnesian war. Could Athens allow Corcyra and her fleet to fall into Peloponnesian hands, when Sparta might at any moment treat the Thirty Years' Peace as a scrap of paper?

In these circumstances the attitude of Corinth becomes more remarkable, and perhaps deserves greater attention than has been given to it. The Corinthians had an opportunity of fighting Athens with the full support of Sparta, and they deliberately curbed Sparta's aggressive temper. It would seem that τὸ σφοδρὸν μῖσος engendered by the Athenian occupation of Megara in 461 (1, 103, 4) had died down. Corinth was apparently fully satisfied with the terms of the Thirty Years' Peace, and the foundation of Thurii only three years before, which had often been interpreted as an Athenian encroachment on Corinthian interests, had caused no change of feeling. The recorded facts indeed suggest that Corinthian foreign policy had very limited objectives. In the first place they insisted on the military security of their territory, and for this purpose it was essential that Megara should be under a friendly government. It was, as Thucydides says, the defection of Megara which provoked Corinth in 461, and the retention of Nisaea by Athens in 421 may, although Thucydides does not say so, have been one of the reasons why Corinth refused to sign the Peace of Nicias. In the second place, Corinth attached great importance to her hold over her colonies. It was Athenian opposition to her attempt to reduce Corcyra to proper filial obedience which renewed her animosity against Athens, and Athens' order to Poteidaea to break off her traditional relations with Corinth added fuel to the flames. Corinth's real reason for her refusal to sign the Peace of Nicias was, according to Thucydides (v, 30, 2), that her colonies of Sollium and Anactorium had not been restored to her. And the Athenian attack on Syracuse once again roused her to action (vi, 88, 8). Of wider Corinthian interests, and in particular of any desire to monopolize or even maintain a dominant position in the western market, there is not a trace in our authorities, and Corinth's attitude in 440, of actively curbing the aggressive plans of Sparta against Athens at a time when there was marked Athenian activity in the west, suggests that our authorities are right.

In his account of the foundation of the Delian League Thucydides records that it used to hold its congresses at Delos (1, 96, 2, ταμειὸν τε Δῆλος ἦν αὐτοῖς καὶ αἱ ξυνοδοὶ ἐς τὸ ἱερὸν ἐγίγνοντο). He never again mentions a congress of the Delian League, and it has been generally assumed that its sessions were abandoned after the treasury was removed to Athens in 454, and that Athens henceforth made no pretence of consulting her allies. Some remarks of the Mitylenaeans in the speech which they delivered at the Olympia of 428 B.C. seem inconsistent with this assumption. The opening paragraphs of the speech are devoted to a rather laboured defence of Mitylene for having remained so long in the Athenian alliance. Originally they had formed the alliance because Sparta had pulled out of the Persian war and Athens had persisted



(III, 10, 2). As long as the Athenians had led as equals, they had been their enthusiastic supporters, but when they saw them relaxing their hostility to the Persians and bringing about the subjection of the allies, by then they were no longer without fear (III, 10, 4). But being unable to get together and defend themselves, owing to the large number of votes (δὶὰ πολυψηφίαν) the allies were enslaved except for the speakers and the Chians; 'and we being nominally free and independent fought by their side' (III, 10, 5). The period referred to in these sentences is not very clearly defined, but Athens can hardly be said to have relaxed her hostility to Persia till after 449, and the final stage is reached after the reduction of Samos in 439. There was still voting in the Delian congress in this period. The occasion for votes being taken is explained a few sentences later (III, 11, 3-4). The only reason why they were left autonomous, the Mitylenaeans explain, was that the Athenians preferred to manage things under a decent pretence, by policy rather than by brute force. (As long as they had autonomous allies) they could claim that those who had equal votes would not be joining in a war against their will, unless the party being attacked were in the wrong (μὴ ἂν τοὺς γε ἰσοψηφούς ἄκοντας, εἰ μὴ τι ἡδίκουν οἷς ἐπῆσαν, ξυστρατεύειν). In other words, although all the allies had votes (hence the πολυψηφία) the moral effect of the vote of the surviving autonomous allies was important, for they, it could be argued, were really exercising their free and independent judgement, and if they voted for war against any state, they presumably did so because they considered that state to be in the wrong.

A league congress was then held to decide whether the league should declare war. It is evident from the laborious defence put up by the Mitylenaeans that such a case had occurred, and that sufficiently recently to need excuse. It is difficult to find any suitable occasion other than the revolt of Samos. Lesbian and Chian ships are recorded to have supported the Athenians in considerable numbers during this war (I, 116, 2; 117, 2). Chios and the Lesbian cities did ξυστρατεύειν, and the implication of the Mitylenaeans' defence is that they gave their ψῆφοι in favour of war against Samos. As late as 440 B.C., then, Athens summoned a ξύνοδος of the Delian League, and obtained its approval for war against Samos.

The results of these two congresses, which must have been held at about the same time, are instructive for the history of the two leagues. At the Peloponnesian congress the Corinthians, as so often, took a sturdily independent stand, and refused to toe the Spartan line; and as a result the Spartans had to give in. Chios and the Lesbian cities had not the moral courage to dissent from Athens, though their naval strength, combined with that of Samos, might well have given Athens pause. Samos in the revolt produced a fleet of seventy ships (including twenty στρατιωτίδες), which was presumably all that she could muster in an emergency (I, 116, 1). Chios and Lesbos contributed fifty-five between them to the Athenian fleet (I, 116, 2; 117, 2) but this was well below their maximum strength. Chios in 412 had sixty ships available for the revolt, as the Spartans verified (VIII, 6, 4), at a time when they recently lost five sent with Demosthenes to Sicily (VII, 20, 2) and perhaps twenty-five sent with the original Sicilian expedition (VI, 43, τὸ ἄλλο ναυτικὸν Χίων καὶ τῶν ἄλλων συμμάχων totals thirty-four, and the only other naval ally was Methymna). We have no figures

for Lesbos, but if the island was on a par with Chios and Samos, the three could have mustered well over 200 ships. Athens possessed 300 (II, 13, 8) but might well have found difficulty in manning all simultaneously; in 428 it was necessary to call up hoplites and metics to man under 200 ships (III, 16, 1; cf. 3, 2 and 7, 1). But it must be remembered that if it had come to war, they would have stood alone, without any prospect of reinforcement, against an Athenian fleet built up on the proceeds of the tribute paid by all the other allies. Corinth on the other hand might have rallied half the League members, and every city which joined her would have swelled the rebel forces by its contingent, and correspondingly reduced the number of troops under Spartan command. It was commutation of service which made Athens *de facto* absolute over her league, whatever the constitutional safeguards, in a way that Sparta never was over hers.

Another factor that may well have weighed with the oligarchic governments of Chios, Samos and the Lesbian cities was the very uncertain loyalty of their own subjects in the event of a war with Athens. In 428 the people of Mitylene, so soon as they had arms in their hands, immediately rebelled against their own government, and threatened to surrender the city to Athens (III, 27). At Chios in 412, at a time when Athens was helpless, the oligarchs who had planned to revolt with Spartan and Persian aid did not dare to refuse a naval contingent to Athens, the reason being that 'the majority of the Chians did not know about the plot, and the oligarchs who were in the secret did not want to have the mass of the people hostile yet, before they had received some reinforcement' (VIII, 9, 3). Eventually Chalcideus and Alcibiades sailed in without notice, and successfully stampeded the majority, who were thrown 'into amazement and alarm' (VIII, 14, 1 and 2). At Samos the revolt of 440 was carried out by an oligarchic group who overpowered the people with the aid of 700 mercenaries (I, 115); the democracy which the Athenians had just set up was evidently loyal to Athens. In 412 the Samian people overpowered their aristocracy, and rallied to Athens (VIII, 21). And when in the following year three hundred of their leaders formed a plot to support Pisander and his oligarchic group, the people overpowered them in their turn (VIII, 73). Thereafter the Samian people was devotedly loyal to Athens to the bitter end. The governments of the autonomous allies might well hesitate to take a strong line against Athens, when the mass of their own citizens might prefer 'slavery' under Athens to 'freedom' under their own oligarchs.

A. H. M. JONES



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The Economic Basis of the Athenian Democracy

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## The Economic Basis of the Athenian Democracy <sup>1</sup>

*A. H. M. Jones.*

*Prima facie* THE ATHENIAN DEMOCRACY WOULD SEEM TO HAVE BEEN A perfectly designed machine for expressing and putting into effect the will of the people. The majority of the magistrates were annually chosen by lot from all qualified candidates who put in their names, so that every citizen had a chance to take his turn in the administration. In the fifth-century only the military officers, of whom the most important were the ten generals, who were elected by the assembly. In the fourth, when finance became a difficult problem, a few high financial officers were also elected. This was an inevitable concession to aristocratic principles : for the Greeks considered popular election to be aristocratic rather than democratic, since the ordinary voter will prefer a known to an unknown name — and in point of fact the generals usually tended to be men of wealth and family, though a professional soldier or two were usually members of the board in the fourth-century. But the assembly, of which all adult male citizens were members, kept a strict control over the generals, who received precise instructions and departed from them at their peril. The assembly was in a very real sense a sovereign body, holding forty regular meetings a year and extraordinary sessions as required, and not merely settling general questions of policy, but making detailed decisions in every sphere of government — foreign affairs, military operations, finance.

The administrative lynch-pin of the constitution was the council of five-hundred, annually chosen by lot from all the demes (wards or parishes) of Athens and Attica in proportion to their size, and thus forming a fair sample of the people as a whole. It had two main functions, to supervise and co-ordinate the activities of the magistrates, and to prepare the agenda of the assembly. No motion might be put to the assembly unless the question had been placed on the order paper by the council and duly advertised ; snap divisions were thus precluded. On uncontroversial issues the council usually produced a draft motion, which could however be freely debated and amended in the assembly by any citizen ; in this way much formal business was cleared away. On controversial issues the council normally — and naturally in view of its composition — forebore to express an opinion, and merely put the question before the

people, leaving it to any citizen to draft the motion during the actual debate. The presidents of the council and the assembly were chosen daily by lot from the council to preclude any undue influence from the chair.

Finally, as ultimate guardians of the constitution, there were the popular law courts. Juries were empanelled by lot for each case from a body of six-thousand citizens annually chosen by lot, and decided not only private cases but political issues. These juries as a regular routine judged any charges of peculation or malfeasance brought against magistrates on laying down their office; they decided the fate of any citizen accused of treason or of "deceiving the people" by his speeches in the assembly; they could quash any motion voted in the assembly as being contrary to the laws, and punish its author. Political trials were frequent in Athens, and in the fourth-century in particular the indictment for an illegal motion was constantly employed for political purposes, often on very technical grounds. The result was that the popular juries — in such cases sometimes thousands strong — tended to become a Supreme Court.

In general all citizens who were not expressly disqualified for some offence, such as unpaid debt to the treasury, had equal political rights: in particular all could speak and vote in the assembly. For membership of the council and of the juries and probably for all magistracies there was an age qualification of thirty years. For offices, or at any rate some of them, there were also qualifications of property: but these were mostly moderate and, by the late fourth-century, at any rate, and probably by the fifth, were in practice ignored.<sup>2</sup> To make the system work truly democratically it was further necessary that every citizen, however poor, should be able to afford the time for exercising his political rights, and from the time of Pericles pay was provided for this purpose.<sup>3</sup> Magistrates were paid at varying rates according to the nature of their duties;<sup>4</sup> members of the council received five obols a day by the fourth-century — the rate may have been lower in the fifth;<sup>5</sup> and members of the juries were given a subsistence allowance of two obols, raised in 425 B.C. to three.<sup>6</sup> Finally from the beginning of the fourth-century citizens who attended the assembly — or rather the quorum who arrived first, for a limited sum of money was allocated to each assembly — were paid a subsistence allowance of one, then two, then three obols.<sup>7</sup> Later the rate was more liberal, one drachma for ordinary days, one and a half for the ten standing meetings when the agenda was heavier.<sup>8</sup>

Two charges have been brought against the Athenian democracy, one both by ancient and by modern critics, the other in recent times only. The first is that the pay, which was an essential part of the system, was provided by the tribute paid by Athens' allies in the Delian League, and that the democracy was therefore parasitic

on the empire: the second, that Athenians only had the leisure to perform their political functions because they were supported by slaves — the democracy was in fact parasitic on slavery.

To the first charge there is a very simple answer, that the democracy continued to function in the fourth-century when Athens had lost her empire; the Second Athenian League, which lasted effectively only from 377 to 357, was never a paying proposition, the contributions of the allies by no means covering the cost of military and naval operations. And not only did the democracy continue to function, but a new and important form of pay, that for attendance in the assembly, was introduced early in the century. This being so it is hardly worth while to go into the financial figures, particularly as there must be many gaps in our calculations. The magistrates numbered about 350 in the later fourth-century, and, if they received on an average one drachma a day, the annual bill would be 21 talents.<sup>9</sup> The council, if all the members were paid for every day of the year, would have cost rather under 26 talents a year, but if councillors, like jurors, were paid for actual attendance, the bill would be considerably less, since sessions were not held every day and many members did not attend regularly.<sup>10</sup> Assembly pay cannot be calculated as we do not know how large the quorum was. The major item was the 6,000 jurors, for whom Aristophanes<sup>11</sup> budgets 150 talents a year, presumably by the simple method of multiplying 3 obols by 6,000 jurors by 300 court days (the courts did not sit on the forty or more assembly days<sup>12</sup> nor on the numerous festivals).<sup>13</sup> This is a theoretical maximum, for the whole 6,000 were not empanelled in juries on every court day — Aristophanes' jurors rise at dead of night to queue for their tickets.<sup>14</sup> As against this, the internal revenue of Athens, apart from imperial receipts, can be inferred to have been in the range of 400 talents a year in the fifth-century.<sup>15</sup> Since other peacetime expenditure was minimal pay was thus amply covered by internal income at this period. In the fourth-century the revenue dropped considerably; Demosthenes indeed states that earlier in the century it amounted to only 130 talents.<sup>16</sup> He is perhaps thinking of the regular income from taxes and rents, excluding receipts from fines, confiscations, and court fees, which were a considerable proportion of the whole.<sup>17</sup> Even so, we know that in the first half of the fourth-century it was at times a tight squeeze.<sup>18</sup> By 340, however, the regular revenue had risen to 400 talents again, and things were easy.<sup>19</sup>

That Athens profited financially from her empire is of course true. But these profits were not necessary to keep the democracy working. They enabled Athens to be a great power, and to support a much larger citizen population at higher standards of living. One oligarchic critic emphasises the casual profits incidental on Athens' position as an imperial city; the imperial litigation which brought in more court fees, the increased customs revenue, the demand for

lodgings, cabs and slaves to hire.<sup>20</sup> Advocates and politicians made money by pleading the legal cases of the allies, and promoting measures in their favour. But these were chicken-feed compared with the solid benefits of empire, the tribute amounting to 400 talents a year and other imperial income raising the annual total to 600 talents,<sup>21</sup> and the acquisition of land overseas, mainly by confiscation from rebellious allied communities or individuals.<sup>22</sup>

The land was utilized either for colonies, which were technically separate states, but being composed of former Athenian citizens were virtually overseas extensions of the Athenian state, or for cleruchies, that is settlements of Athenians who remained full citizens, liable to Athenian taxation and military service, though in practice they naturally would rarely exercise their citizen rights at Athens.<sup>23</sup> Both types of settlement were normally manned from the poorer citizens.<sup>24</sup> Most will have come from the lowest property class, *thetes*, who possessed property rated under 2,000 drachmae<sup>25</sup> and were liable only for naval service or as light-armed troops on land.<sup>26</sup> The allotments were (in the one case where figures are given) of sufficient value to qualify the owner to rank as a *zeugites*, liable to military service as a heavy-armed infantryman or hoplite.<sup>27</sup> By her colonies and cleruchies Athens raised more than ten thousand<sup>28</sup> of her citizens from poverty to modest affluence, and at the same time increased her hoplite force by an even larger number, the cleruchs with their adult sons serving in the ranks of the Athenian army and the colonists as allied contingents.<sup>29</sup>

The tribute was partly spent on the upkeep of a standing navy, partly put to reserve. Pericles is stated to have kept sixty triremes in commission for eight months in the year,<sup>30</sup> and he maintained a fleet of three hundred in the dockyards.<sup>31</sup> The dockyards must have given employment to an army of craftsmen, as well as to 500 guards,<sup>32</sup> and the crews of the cruising triremes would have numbered 12,000 men, paid a drachma a day<sup>33</sup> for 240 days in the year. Not all the dockyard workers will have been citizens, nor all the naval ratings, but many thousands of Athenian *thetes* enjoyed regular well-paid employment thanks to the empire. Of the money put to reserve a part, probably 2,000 talents,<sup>34</sup> was spent on public works, notably the Parthenon and the Propylaea, which again, as Plutarch explains,<sup>35</sup> gave employment to the poorer classes. The remainder formed a war fund of 6,000 talents, which was ultimately spent during the Peloponnesian war on pay to hoplites and sailors.<sup>36</sup>

In response to the favourable economic conditions provided by the empire the population of Athens seems to have risen by leaps and bounds during the half-century between the Persian war (480-479) and the opening of the Peloponnesian war (431). The figures are unfortunately very incomplete and not altogether certain, but the general picture is clear enough; they refer to citizens liable to military and naval service, that is males between 20 and 60. At Salamis (480)

the Athenians manned 180 triremes,<sup>37</sup> which required 36,000 men. As Attica had been evacuated and no army was mustered this figure probably represents the whole able-bodied population including resident aliens, so that the citizens may be reckoned at about 30,000. At Artemisium, earlier in the same year, the Athenians, supplemented by the population of the little city of Plataea, had manned 127 triremes<sup>38</sup> (25,400 men, perhaps 20,000 Athenians). As an invasion of Attica was expected the hoplites were probably held in reserve and only *thetes* served in the fleet. At Plataea (479) 8,000 Athenian hoplites fought,<sup>39</sup> but a large fleet was simultaneously in commission, which will have carried perhaps 2,000 marines of hoplite status: for Marathon (490) Athens had mustered 9,000 hoplites.<sup>40</sup> These figures suggest a total population of 30,000 citizens, a figure given elsewhere by Herodotus,<sup>41</sup> divided 1 : 2 between hoplites and *thetes*. At the opening of the Peloponnesian war there were well over 20,000 citizen hoplites on the muster rolls.<sup>42</sup> The rise will have been due partly to the general rise in prosperity which enabled many *thetes*, who owned little or no land, to acquire sufficient house-property, slaves, or cash capital to qualify as hoplites; but mainly to the grant of allotments of land to *thetes* in the cleruchies.<sup>43</sup> For the *thetes* class we have no reliable figures, for the large fleets which Athens commissioned at this period were certainly manned not only by citizens but by resident aliens and by foreigners drawn from the cities of the empire.<sup>44</sup> But if, as Plutarch suggests,<sup>45</sup> the sixty ships kept regularly in commission during peace time were largely manned by citizens, the crews of these, together with sundry standing land forces (1,600 archers and 500 shipyard guards, for instance<sup>46</sup>) and the 6,000 jurors, of whom a large proportion were probably *thetes*, would account for 20,000 men, and in addition there were the workers employed in the shipyards, on public works and in private industry. Despite the rise of many thousands into the hoplite class, the *thetes* must have certainly maintained and probably considerably increased their numbers. It is worthy of note that a fair proportion of the new hoplites resided abroad in cleruchies, whereas the *thetes* mostly lived in Athens and Piraeus. This helps to account for the radical tone of the fifth-century democracy, and the predominance, noted with disfavour by oligarchic critics, of the "naval masses" in its councils.

The Peloponnesian war caused great losses both by battle casualties and by the plague: 1,000 hoplites fell at Delium<sup>47</sup> and 600 at Amphipolis,<sup>48</sup> and 2,700 hoplites and 130 triremes carrying perhaps 13,000 citizen sailors, if half the crews were Athenians, were sent to Sicily,<sup>49</sup> of whom only a remnant ever saw Athens again, while in the plague 4,700 men of hoplite status and an uncounted number of *thetes* perished.<sup>50</sup> Towards the end of the war (411) there seem to have been only 9,000 hoplites resident in Attica,<sup>51</sup> and after the war the cleruchs were all dispossessed. In 322 the hoplite class still numbered only 9,000 despite a revival of prosperity. By



that date the *thetes* numbered only 12,000.<sup>52</sup> Other evidence suggests that both figures were about the same earlier in the century.<sup>53</sup> The loss of the empire and the fall of Athens in 404 must have compelled many thousands of citizens, dispossessed cleruchs and unemployed sailors and dockyard workers, to emigrate or take service as mercenaries abroad. A general decrease in prosperity caused the population to sink to a level well below that of the Persian wars, and in particular reduced the thetic class. Hence the increasingly bourgeois tone of the fourth-century democracy.

The second charge against the Athenian democracy, that it was parasitic on slavery, is more difficult to answer with any certainty. It will be as well first to make plain the elements of the problem. The Athenians, like all Greek peoples, regarded themselves as a kinship group, and citizenship depended strictly on descent (always on the father's side and, by a law passed in 451 and re-enacted in 403, on the mother's side also) and not on residence, however long. The population of Attica therefore consisted not only of citizens, but of free aliens, mainly immigrants who had settled permanently and often lived at Athens for generations, but also including freed slaves and persons of mixed descent; and of slaves, mainly imported but some home-bred. It is unhistorical to condemn the Athenian democracy because it did not give political rights to all residents of Attica; it was the democracy of the Athenian people. It is however relevant to enquire whether the Athenian people was a privileged group depending on the labour of others. Sparta might be called technically a democracy (though the hereditary kings and the council of elders balanced the power of the people) inasmuch as the whole body of Spartiates chose the ephors, in whose hands the government effectively lay, but the Spartiates were a body of *rentiers* supported by ten or twenty times the number of native serfs, the helots. Was the Athenian democracy of this order? The resident aliens (*metics*) do not concern us here. They made a great contribution to Athenian prosperity, particularly in the fields of industry, commerce and banking — indeed they seem to have dominated the two latter. They were voluntary immigrants and could leave when they wished (except in time of war). That so many domiciled themselves permanently in Attica — a census taken at the end of the fourth-century showed 10,000 *metics* as against 21,000 citizens — is a testimony to their liberal treatment. They enjoyed full civil (as opposed to political) rights, except that they could not own land — hence their concentration on industry and commerce — and were subject to all the duties of citizens, including military and naval service and taxation at a slightly higher scale. They were a contented class, and many demonstrated their loyalty to their adoptive city by generous gifts at times of crisis.<sup>54</sup>

What of slaves? Here it will be as well to clear up another misconception. It is often stated, mainly on the authority of Plato

and Aristotle, that "the Greeks" considered manual work degrading. Now it is true that gentlemen like Plato and Aristotle despised workers and justified their contempt by asserting that manual work deformed the body and the soul. But that this was the attitude of the average poor Greek there is no evidence. An anecdote recorded by Xenophon<sup>55</sup> probably gives a better insight into his point of view. Eutherus, a dispossessed cleruch, has been reduced to earning his living by manual labour. Socrates asks what he will do when his bodily strength fails and suggests that he find a job as a rich man's bailiff. Eutherus is horrified at the suggestion — 'I could not endure to be a slave . . . I absolutely refuse to be at any man's beck and call'. What the Athenian *thes* objected to was not hard work — incidentally his main military duty in the fifth-century was rowing in the galleys, a task in most later civilisations considered fit only for infidel slaves or convicts — but being another man's servant. He would work as an independent craftsman or at a pinch as a casual labourer,<sup>56</sup> but he would not take even a black-coated job as a regular employee; we find that such highly responsible posts as the manager of a bank or the foreman overseer of a mine are filled by slaves or freedmen of the owner.<sup>57</sup>

Is it true, as we are still too often told, that the average Athenian, in the intervals between listening to a play of Sophocles and serving as a magistrate, councillor or juror, lounged in the market place, discussing politics and philosophy, while slaves toiled to support him? Contemporary critics of the democracy did not think so. Plato's Socrates, analysing the people in a democracy, divides them into the drones, that is the active politicians and their cliques of supporters, and the mass of the people "who support themselves by their labour and do not care about politics, owning very little property; this is the largest and most powerful element in a democracy when it is assembled."<sup>58</sup> Xenophon's Socrates, rebuking Charmides for his shyness at addressing the assembly, asks if he is afraid "of the fullers among them or the shoemakers or the carpenters or the smiths or the peasants or the merchants or the shopkeepers: for the assembly is composed of all of them."<sup>59</sup> Aristotle, analysing the people (that is the mass of poor citizens) in different cities, classifies them as craftsmen, shopkeepers, seamen of various kinds — fishermen, ferrymen, sailors on merchantmen or warships — and casual day labourers and those who have little property so that they can enjoy no leisure.<sup>60</sup>

Slaves were employed in many capacities — as domestic servants, as clerks and agents in commerce and banking, in agriculture, and in industry and mining. All well-to-do Athenian families had several servants, and no doubt wealthy men kept large households of a dozen or more — precise figures are lacking — but the domestic servant probably did not go very far down the social scale. A man for whom Lysias wrote a little speech does indeed roundly assert that

everyone has slaves ; but he is trying to convince the jury that it is contrary to public policy to encourage slaves to inform against their masters.<sup>61</sup> In comedy domestic slaves appear when dramatically convenient, even in the poorest households,<sup>62</sup> but this evidence is suspect : comedy was written after all by well-to-do authors, and slaves provided a variety of stock comic turns. It has been argued that because in the fifth-century every hoplite took with him an attendant to carry his food and kit, and was allowed a drachma a day by the state on his account (in addition to his own drachma<sup>63</sup>) that every hoplite must have owned an able bodied male slave. Those hoplites who owned suitable slaves certainly used them for this purpose,<sup>64</sup> but there is no evidence that every hoplite's attendant was his own slave. The high rate of the state allowance, on the contrary, is only explicable on the assumption that many hoplites would have to hire a man for the purpose, and Thucydides' inclusion of the baggage carriers with the light armed among the Athenian casualties at Delium implies that they were citizens.<sup>65</sup> More significant than these uncertain inferences is a remark by Demosthenes, who, castigating the harshness with which Androtion and Timocrates collected the arrears of war-tax, pictures them " removing doors and seizing blankets and distraining on a servant girl, if anyone employed one." <sup>66</sup> Now the payers of war tax can be estimated to have numbered only about 6,000 out of a population of 21,000.<sup>67</sup> If not all of them had a domestic servant, one may hazard that under a quarter of the population enjoyed that luxury.

Commerce and banking need not detain us, as the numbers were small. In agriculture, too, we hear little of slaves. The property of large landowners did not normally consist of a single great estate, but of several farms scattered over Attica.<sup>68</sup> Some of these farms were let to free tenants, Athenian or metic<sup>69</sup> ; one at least — the home farm — would be worked by a minimum staff of slaves, supplemented by hired labour<sup>70</sup> ; for it was uneconomic in a seasonal trade like agriculture to maintain all the year round enough slaves to cope with peak demands. The hired labour was sometimes supplied by slave gangs, leased from a contractor to do a particular job, such as to get in the harvest or the vintage<sup>71</sup> ; but it often consisted of free persons — in one of his private speeches Demosthenes remarks that many citizen women were driven by poverty to work in the harvest.<sup>72</sup> Shepherds seem normally to have been slaves,<sup>73</sup> but the politician Phrynichus is alleged to have been one in his poverty-stricken youth.<sup>74</sup> How far down the scale of wealth the use of agricultural slaves went it is difficult to say, but the greater part of Attica was probably occupied by peasant farmers too poor to afford them. Of the six thousand citizens who paid war tax, a large number were, as Demosthenes puts it, " farmers who stinted themselves, but owing to the maintenance of their children and domestic expenses and other public demands fell into arrears with their war tax." <sup>75</sup>

These were the men who often could not afford a single domestic servant, and certainly did not maintain a farm hand ; they would fall into the class which Aristotle described as using the labour of their wives and children through lack of slaves.<sup>76</sup> Below them were the remaining three thousand of the hoplite class who did not qualify for war tax, and will have owned property to the value of between 25 and 20 minae.<sup>77</sup> These were quite poor men ; Demosthenes introducing a poor hoplite witness apologies to the jury — “ he is poor, it is true, but not a rascal ”<sup>78</sup> — and the wealthy Mantisheus, when his deme mustered for a call-up, found that many of his fellow-demesmen were embarrassed for journey-money, and distributed 30 drachmae to each.<sup>79</sup> A farm worth 20 minae would, on the basis of the single land price recorded, comprise about five acres, and would bring in if let only about 160 drachmae a year in rent, not enough to feed, let alone clothe, a single man ; it can only have supported a family if worked by family labour.<sup>80</sup>

In industry, and particularly mining, slaves were employed on a larger scale. The wealthy Nicias in the fifth-century is said to have owned 1,000 slaves, whom he let out to a mining contractor at one obol a day, the contractor feeding and clothing them and replacing casualties ; two rich contemporaries are said to have owned 600 and 300 respectively whom they exploited in a similar way.<sup>81</sup> In the fourth-century another mine concessionaire owned 30 slaves,<sup>82</sup> which was probably a more usual number. Well-to-do Athenians also normally invested a small proportion of their wealth in slave craftsmen, who either worked together in a factory, or independently, paying their owner a fixed sum and keeping for themselves whatever they earned beyond it. The largest factory of which we hear, the shield factory of the brothers Lysias and Polemarchus, numbered nearly 120 men ;<sup>83</sup> but this is quite exceptional, and is due to the fact that the owners were metics, who could not invest in land, and that the thirty years of the Peloponnesian War had naturally led to a boom in armaments. In the fourth-century Pasion the banker also ran a shield factory as a side-line ; it brought in a net revenue of a talent a year, and must have contained over 60 men ; Pasion again was a metic, until he was rewarded with the citizenship for his public services,<sup>84</sup> and he was the richest man in Athens of the time — he had before he died acquired land to the value of 20 talents besides his bank and factory. Demosthenes' father was also exceptional in owning two factories, 32 knife makers and 20 bed makers, with a capital value of nearly  $6\frac{1}{2}$  talents (4 talents in slaves and  $2\frac{1}{2}$  talents in raw materials in stock) out of a total fortune of 14 talents, the rest of which was in cash and investments with the exception of his house and furniture.<sup>85</sup> We hear of some others in the fifth-century whose wealth was entirely invested in slaves ; Isocrates' father rose to affluence from the profits of a group of flute-makers,<sup>86</sup> and Xenophon makes Socrates cite five contemporaries, including a miller, a baker and cloakmaker, who

lived comfortably on the earnings of their slaves.<sup>87</sup> More usually rich Athenians seem to have distributed their capital between land, house-property, some cash investments and a dozen or so slave craftsmen. Socrates, asking a high-class prostitute where her money came from, suggests (ironically) land, house-property or craftsmen as typical sources of income.<sup>88</sup> Timocrates inherited, besides land and houses, nine or ten shoemakers, who paid two obols a day each as rent:<sup>89</sup> Leostratus owned bronzesmiths to the value of 35 minae (about a dozen, that is<sup>90</sup>): Ciron, besides an estate worth a talent, and two houses, owned a few rent-paying slaves, valued with three domestic slaves and the furniture at 13 minae:<sup>91</sup> Euctaeus possessed a farm, a house, a baths, and a brothel and wineshop and some craftsmen.<sup>92</sup>

These facts and figures concern the well-to-do families who could afford to pay a professional speech-writer to compose a plea in their mutual litigation about their inheritances, and who normally belonged to the 1,200 richest families enrolled on the trierarchic register. How far humbler folk owned industrial slaves it is very difficult to say. Xenophon in one passage speaks of those who could buy slaves as fellow-workers,<sup>93</sup> which might suggest that a craftsman sometimes bought a man and trained him as an apprentice; and a poor cripple, pleading for his public assistance of 1 obol a day, complains that he is getting old and his children are too young to support him (a rather unlikely conjunction of pleas) and that he is too poor to buy a slave to carry on his work.<sup>94</sup> This may suggest that a craftsman who bought a slave and trained him was looking forward to retiring on his earnings. But, as Aristophanes recognised, the greater part of the work in industry as in agriculture was done by poor citizens. Addressing them Poverty declared in the *Plutus*: "If wealth should gain his sight again and distribute himself equally, no one would practice a craft or skill. And when you have lost both of these, who will work as a smith or a shipwright or a tailor or a wheelwright or a shoemaker or a bricklayer or a launderer or a tanner or plough the land or harvest the crops, if you can live in idleness and neglect all this work?"

We have no reliable evidence for the total number of slaves in Attica at any time. For the late fourth-century we have two figures, which, if we could rely on them, would be startling. The Byzantine lexicon of Suidas<sup>95</sup> cites Hypereides (probably in connection with his proposal to free the slaves after the battle of Chaeronea in 338 B.C.) as speaking of "more than 150,000 from the silver mines and over the rest of the country." Athenaeus,<sup>96</sup> who wrote at the end of the second century A.D., quotes Ctesicles, a chronicler of unknown date, as stating that at the census held by Demetrius of Phaleron (317-07) 400,000 slaves were registered. These are, as Beloch<sup>97</sup> has convincingly demonstrated, quite impossible figures, and must have been corrupted in the course of their transmission to the late

sources in which we read them. To turn to more reliable, if less explicit evidence, according to Thucydides more than twenty thousand slaves, mainly industrial, escaped during the ten years' occupation of Deceleia by the Spartans<sup>98</sup>; these would probably be in the main miners and agricultural slaves, but would include many city workers, since the seventeen miles of city walls cannot have been so completely patrolled as to prevent escapes. Xenophon declares that the mines could provide employment for many more than ten thousand, as those — if any — who remembered what the slave tax used to fetch before the Deceleian war could testify (he was writing sixty years later).<sup>99</sup> But whatever their numbers their distribution is fairly clear. They were owned in the main by the 1,200 richest families and in decreasing numbers by the next 3,000 or so. It is unlikely that any slaves were owned by two-thirds to three-quarters of the citizen population. The great majority of the citizens earned their living by the work of their hands, as peasant farmers, craftsmen, shopkeepers, seamen and labourers; so contemporary witnesses state, and so the detailed evidence, so far as it goes, suggests. In only one occupation was slave labour predominant, in mining, and even here, contrary to common belief, some citizens worked. Xenophon, advocating that the state acquire a large body of slaves to be leased to the citizens for use in the mines, suggests that not only will existing contractors add to their manpower but that "there are many of those who are themselves in the mines who are growing old, and many others, both Athenians and aliens, who would not or could not work with their hands, but would gladly make their living by supervising."<sup>100</sup> In one of the Demosthenic speeches we meet a man who boasts "In earlier times I made a lot of money from the silver mines, working and toiling myself with my own hands": he had struck lucky and was now one of the three hundred richest men in Athens.<sup>101</sup>

That the poorer citizens lived on state pay for political services is, even for the fourth-century, when the system was most fully developed, demonstrably false. A man could only be a councillor two years in his life, and could hold none of the magistracies chosen by lot for more than one annual tenure.<sup>102</sup> He could by attending the assembly — and getting there in time to qualify for pay — earn a drachma on thirty days and one and a half drachmae on ten days in the year. On some festivals — the number varied according to the state of the exchequer — he could draw his theoric payment of 2 obols.<sup>103</sup> On other days, if lucky enough to be successful in the annual ballot for the 6,000 jurors, he could queue in hopes of being empanelled on a jury and earning 3 obols, just enough to feed himself. At this rate a bachelor without dependants could barely with consistent good luck scrape a living; for a man with a family it was quite impossible.

The majority of the citizens were then workers who earned their

own livings and whose political pay served only to compensate them in some measure for loss of working time. Agricultural and industrial slaves in the main merely added to the wealth of a relatively small rentier class, whose principal source of income was land; this same class employed most of the domestic slaves. It only remains to ask how far the Athenian state drew its revenue, directly or indirectly, from slaves. The state owned a certain number of slaves. Most famous are the 1,200 Scythian archers who policed the assembly and the law courts and enforced the orders of the magistrates.<sup>104</sup> There were a number of others ranging from the workers in the mint to the city gaoler and the public slave par excellence who had custody of the public records and accounts. Athens thus ran her police force and her rudimentary civil service in part by slave labour—the clerks of the magistrates were mostly salaried citizens.<sup>105</sup> There was apparently a tax on slaves, known only from the mention in Xenophon cited above,<sup>106</sup> but it can hardly have been an important item in the revenue to receive so little notice. The mines, which were mainly exploited by slave labour, also brought in revenue to the state, but less than might have been expected seeing that concessionaries sometimes made large fortunes. The mines flourished in the fifth-century, from their first serious exploitation in 483 till the Spartan occupation of Deceleia in 413. They then went through a prolonged bad period till the 330s, when they were again in full swing. We have no figures for the fifth-century. In the fourth we have a full record of one year's concessions (367-6), when the sums paid totalled 3,690 drachmae, and a partial record of a later year — probably 342-1 — when the revenue came to about 3 talents.<sup>107</sup> There may have been a royalty payment of 1/24th in addition to the prices paid for concessions, but, as there is no contemporary record of this payment, which is mentioned only by a Byzantine lexicographer,<sup>108</sup> this is doubtful. It is somewhat mysterious where the 400 talents of Athenian revenue came from, but a negligible proportion of it arose even indirectly from slave labour.

The charge brought by fifth-century oligarchic critics (and thoughtlessly repeated by many modern writers), that the Athenian democracy depended for its political pay on the tribute of the subject allies, was brought to the test of fact when Athens lost her empire in 403 B.C., and was proved to be a calumny when the democracy continued to pay the citizens for their political functions out of domestic revenues. The modern charge that the Athenian democracy was dependent on slave labour was never brought to the test, since the Athenians never freed all their slaves. This is not surprising, for slavery was an established institution, which most people accepted without question as "according to nature," and to abolish it would have meant a wholesale disregard of the rights of property, which the Athenians throughout their history were careful

to respect. It is more surprising that on some occasions of crisis motions for a partial or wholesale freeing of slaves were carried. In 406 all male slaves of military age were freed and granted the citizenship to man the ships which won the battle of Arginusae.<sup>109</sup> After the expulsion of the Thirty in 403 Thrasybulus, the left wing leader of the restored democracy, carried a measure, later quashed as illegal by the moderate leader Archinus, to free and enfranchise all slaves who had fought for the democracy.<sup>110</sup> In 338, after the defeat of Chaeronea, the left wing politician Hypereides proposed and carried a motion to free all (able bodied male) slaves to resist the Macedonians; this motion was again quashed as illegal by a conservative politician.<sup>111</sup>

These facts suggest that there was no bitterness between the mass of the citizens and the slaves, but rather a sense of fellow-feeling. This was a point which shocked contemporary Athenian oligarchs. The "old oligarch" speaks bitterly of the insolence of slaves at Athens, and complains that it is illegal to strike them — the reason, he explains, is that the people are indistinguishable in dress and general appearance from slaves, and it would be easy to strike a citizen by mistake.<sup>112</sup> The moderate oligarch Theramenes is careful to assure his colleagues among the Thirty that he is not one of "those who think there would not be a good democracy until slaves and those who through poverty would sell the city for a drachma participate in it."<sup>113</sup> Plato mocks at the excess of freedom in the democracy, in which "men and women who have been sold are no less free than their purchasers."<sup>114</sup>

Though the Athenians treated their slaves with a humanity which was exceptional according to the standards of the time, they never abolished slavery, and the charge that Athenian democracy was dependent on their labour was never brought to the test of fact. But had Hypereides' motion been allowed to stand, and extended to slaves of all ages and both sexes, it would not seem, on the basis of the evidence cited earlier in this article, that its effects would have been catastrophic. All wealthy and well to do citizens (or rather their wives and unmarried daughters) would have been incommoded by having to do their own housework. A very small number of wealthy or comfortably off men who had invested all their money in mining and industrial slaves would have been reduced to penury. and a larger number, but still a small minority, would have lost the proportion of their income which derived from industrial slaves, and would have had to let their farms instead of cultivating them by slave labour. A number of craftsmen would have lost their apprentices and journeymen. But the great majority of Athenians who owned no slaves but cultivated their own little farms or worked on their own as craftsmen, shopkeepers or labourers, would have been unaffected.



## NOTES

<sup>1</sup> For the convenience of readers unfamiliar with Attic currency, the following table is given :

|                                      |
|--------------------------------------|
| 1 talent = 60 minae = 6,000 drachmae |
| 1 mina = 100 drachmae                |
| 1 drachma = 6 obols                  |

Owing to the very different standards of living and patterns of spending it is useless and even misleading to try to translate Attic into modern currency, especially now when the value of money is changing so fast. The following facts will give a rough idea of the value of money in fifth- and fourth-century Athens (fourth-century prices and wages were higher than fifth.) In the Erechtheium accounts (I.G.<sup>2</sup>, I, 373-4) of 409/8-407/6 B.C. the standard wage (for citizens, metics and slaves alike) is 1 drachma per day, occasionally  $1\frac{1}{2}$  drachmae. In the Eleusinian accounts (I.G.<sup>2</sup>, II-III, 1672-3) of 329/8 and 327/6 B.C. unskilled labourers get  $1\frac{1}{2}$  drachmae per day, skilled men, 2,  $2\frac{1}{2}$  or 3 drachmae. In 351 B.C. Demosthenes (IV 23) reckons 2 obols a day as ration allowance for soldiers and sailors : as he is trying to prove that his projected standing force can be cheaply maintained he is probably being optimistic. In the Eleusinian accounts public slaves are allowed 3 obols a day for food, and ephebes (young men of 18 and 19 undergoing military training) in the 330's were allowed 4 obols a day for their rations (Arist., *Ath. Pol.*, 42.3). Clothing was relatively dear. Tunics bought for the Eleusinian public slaves cost over 7 drachmae each, leather jerkins  $4\frac{1}{2}$ , 3 or  $2\frac{1}{2}$ , and shoes 6 drachmae a pair ; a cloak is priced in Aristophanes' *Plutus*, 982-3 (of 388 B.C.) at 20 drachmae, and shoes at 8 drachmae — perhaps rather high prices in the context. For the maintenance of two girls and a boy, with a male nurse and a maid in about 400 B.C. Lysias (XXXII.28) allows 1,000 drachmae a year and Demosthenes (XXVII.36), speaking in 363 B.C., accepts 700 drachmae a year as a reasonable sum for the maintenance of himself and his sister and mother during his minority. These work out at about  $3\frac{1}{2}$  obols and nearly 4 obols each per day, which seems very little, but rent is not included and Greeks considered that women and children ate much less than men. Disabled citizens who could do no work and owned less than three minae were given public assistance at the rate of 1 obol a day in the early fourth-century and 2 obols in the late fourth (Arist., *Ath. Pol.*, 49.4, Lysias, XXIV.13), but this was merely a dole ; Lysias' client did follow a trade.

<sup>2</sup> Aristotle (*Ath. Pol.*, 7.4) commenting on Solon's exclusion of *thetes* from all offices, remarks : διὸ καὶ νῦν ἐπειδὴν ἐρηται τὸν μέλλοντα κληροῦσθαι τιν' ἀρχήν, ποῖον τέλος τελεῖ, οὐδ' ἂν εἰς εἴποι θητικόν. This seems to imply that the Solonian rule was still technically in force, but ignored in practice. Similarly with the higher qualification for the Treasurers of Athens : κληροῦται δ' εἰς ἐκ τῆς φυλῆς ἐκ πεντακοσιομεδίωνων κατὰ τὸν Σόλωνος νόμον (ἐτι γὰρ ὁ νόμος κύριός ἐστιν), ἀρχεῖ δ' ὁ λαχὼν καὶ πάντῃ πέννης ἤ (Arist., *Ath. Pol.*, 47.1). The "old oligarch" declares that in his day (c. 425 B.C.) the δῆμος (which in his political terminology means roughly the *thetes*) filled the offices appointed by lot ([Xen.], *Ath. Pol.*, 1.3).

<sup>3</sup> Actually Pericles is only recorded to have introduced pay for jurors (Arist., *Ath. Pol.*, 27.3), but this was presumably the last stage in the process. Plato (*Gorgias*, 515e) attributes pay in general to Pericles.

<sup>4</sup> For pay for office in general see [Xen.], *Ath. Pol.*, 1.3, Thuc., VIII. 67.3, Arist., *Ath. Pol.*, 24.3, 29.5. Aristotle gives a few specific rates in *Ath. Pol.*, 62.2 (4 obols for the nine archons, a drachma for sundry other offices ; cf. also 42.3). Aristophanes (*Ach.*, 66, 90) suggests that ambassadors received 2 drachmae (but Westermann in *Class. Phil.*, 1910, pp. 203-16 infers about  $1\frac{1}{2}$  drachmae from inscriptions ; this would include travelling expenses) and also that taxiarchs were paid, apparently 3 drachmae (*id. ib.* 595-607 cf. Larsen, *Class. Phil.*, 1946, pp. 91-8), contrary to the general view (based on a misinterpretation of [Xen.], *Ath. Pol.*, 1.3) that the elective military offices were unpaid.

<sup>5</sup> Arist., *Ath. Pol.*, 62.2. It might be inferred from 29.5 that the fifth-century rate was 3 obols, but a decree which abolished all pay except for a few essential offices may have reduced the rates for these.

<sup>6</sup> Arist., *Ath. Pol.*, 27.3, 62.2, Schol. on Aristoph., *Wasps*, 88, 300. The τριώβολον is first mentioned in the *Knights* (51, 255 etc.) of 424 B.C.

<sup>7</sup> Arist., *Ath. Pol.*, 41.3. It appears from Aristoph., *Eccles.*, 183-8, 380-93 (cf. 289-310), that only a limited number who arrived first got the pay, and that it was already (393-1 B.C.) 3 obols.

<sup>8</sup> Arist., *Ath. Pol.*, 62.2.

<sup>9</sup> The number 350 is based on a count from Arist., *Ath. Pol.*, 47-61, which is a fairly exhaustive list (compare Gilbert, *Greek Const. Ant.*, pp. 230-65, Busolt-Swoboda, *Griechische Staatskunde*, II, pp. 1081-1150). Our information for the fifth-century is very incomplete, but known cases of old offices abolished and new offices created about cancel out. Arist., *Ath. Pol.*, 24.3, ἀρχαὶ δ' ἐνδημοὶ μὲν εἰς ἑπτακοσίους ἀνδρας, ὑπερόριοι δ' εἰς ἑπτακοσίους, is certainly corrupt on linguistic grounds, apart from being statistically impossible; perhaps the author gave 350 as the total for each class, making a total of 700. For rates of pay see note 4. A drachma seems on our limited evidence fairly universal, and if some got more, others got less, and some it appears only perquisites (e.g. the *athlothetae*, according to Arist., *Ath. Pol.*, 62.2, dined at public expense during the month in which the Panathenaea was held).

<sup>10</sup> The council was summoned ὅσαι ἡμέραι πλὴν ἑάν τις ἀφέσιμος ᾗ (Arist., *Ath. Pol.*, 43.3: the excepted days would include festivals and assembly days, leaving perhaps 300). For irregular attendance see Dem., XXII. 36. Thuc., VIII. 69.4, ἐπέστησαν τοῖς ἀπὸ τοῦ κυάμου βουλευταῖς οὖσιν ἐν τῷ βουλευτηρίῳ καὶ εἶπον αὐτοῖς ἐξίεναι λαβούσι τὸν μισθόν. ἔφερον δ' αὐτοῖς τοῦ ὑπολοίπου χρόνου παντὸς αὐτοὶ καὶ ἐξιοῦσιν ἐδίδοσαν, has been taken to imply that councillors received a daily wage irrespective of attendance, but it is equally possible (and indeed suggested by the emphatic παντός) that the oligarchs gave the councillors the maximum they could have earned to get them to go quietly. Evidently members were paid day by day (since they were already paid up to date) and it is difficult to believe that in these circumstances they could claim for days when they were absent or no session was held.

<sup>11</sup> *Wasps*, 661-3.

<sup>12</sup> Dem., XXIV. 80.

<sup>13</sup> [Xen.], *Ath. Pol.*, 3.7.

<sup>14</sup> *Wasps*, 100 ff., 216 ff., etc.

<sup>15</sup> The figure is obtained by deducting 600 talents given by Thuc., II. 13.3 as the gross revenue from the empire, from 1,000 talents given by Xenophon (*Anab.*, VII. 1.27) as the combined home and imperial revenue (both refer to the beginning of the Peloponnesian war). This is roughly confirmed by Aristophanes (*Wasps*, 656-60), who gives 2,000 talents as the total revenue from all sources when the imperial tribute had been raised to 1,400 talents on paper (see *Ath. Trib. Lists*, III, pp. 344 ff.).

<sup>16</sup> Dem., X. 37.

<sup>17</sup> For this distinction see Dem., XXIV. 96-101.

<sup>18</sup> Lysias, XIX. 11., XXVII. 1., XXX. 22., Dem., XXIV. 96-101.

<sup>19</sup> Dem., X. 38, Theopompus, *FGH*, II. 115, fr. 166.

<sup>20</sup> [Xen.], *Ath. Pol.*, I. 16-8.

<sup>21</sup> Thuc., II. 13.3 gives 600 talents, but the quota lists show a yield of only about 400 talents from the tribute of the allies (see *Ath. Trib. Lists*, III, pp. 333 ff.).

<sup>22</sup> e.g. in 446 B.C. after the suppression of the Euboean revolt all the inhabitants of Hestiaea were expelled and replaced by an Athenian colony (Thuc., I. 114.3), while at Chalcis the aristocracy only were expropriated in favour of Athenian cleruchs (Aelian, *V.H.*, VI. 1., Plut., *Pericles*, 23).

<sup>23</sup> Gilbert, *Greek Const. Ant.*, pp. 449-53, Busolt-Swoboda, *Griechische Staatskunde*, II, 1271-9. For the liability to military service the best evidence is two casualty lists (*IG*<sup>2</sup>, I, 947-8), where Lemnians are entered under their Athenian tribes: cf. also Thuc., III. 5.1., IV. 28.4, V. 8.2., VII. 57.2 for Lemnians and Imbrians serving with the Athenian forces.

<sup>24</sup> Plut., *Pericles*, 11; the colony of Brea was limited by decree to *zeugitae* and *thetes* (Tod, *Greek Hist. Inscr.*, I. 44). When a *zeugites* had several sons, some would apply for allotments, as otherwise the property divided between them would not suffice to maintain their *zeugite* rank, and all would sink to *thetes*.

<sup>25</sup> The Solonian qualification for *zeugite* status was land producing 200 measures of grain, wine or oil (Arist., *Ath. Pol.*, 7.4). It is believed that this was at an early date converted into money (thus enabling other than agricultural income to be included) at the Solonian rate of one drachma for the measure (Plut., *Solon*, 23); this hypothesis is supported by the rental value of the allotments at Lesbos (see Note 27). By the fourth-century at any rate the Solonian classes were based on a capital assessment (Isaeus, VII. 39), which would include personal as well as real property. It is probable that the capital was reckoned as ten times the income; when Antipater in 322 B.C. limited political rights to those owning property to the value of 2,000 drachmae (Diodorus, XVIII. 18), he was probably reviving the hoplite franchise which had been favoured by some Athenian oligarchs in 411 (Thuc., VIII. 97.1., Arist., *Ath. Pol.*, 33.1).

<sup>26</sup> Harpocration, s.v. *θητες* (citing Aristophanes), cf. Thuc., III. 16.1, VI. 43, VIII. 24.2.

<sup>27</sup> Thuc., III. 50.2.

<sup>28</sup> The recorded figures are for cleruchies: 1,000 to the Chersonnese (Plut., *Pericles*, 11, 19; Diod., XI. 88), 750 to Naxos and Andros (Plut., *Pericles*, 11; Diod., XI. 88, speaks of 1,000 to Naxos and elsewhere, including probably Euboea), 2,000 to Chalcis (Aelian, *V.H.*, VI. 1), 2,700 to Lesbos (Thuc., III. 50.2). For colonies: to Hestiaea either 1,000 (Diod., XII. 22) or 2,000 (Theopompus, *FGH*, II. 115, fr. 387), to Brea 1,000 (Plut., *Pericles*, 11), to Potidaea 1,000 (Diod., XII. 46), to Melos 500 (Thuc., V. 116.4). There were also cleruchies of unrecorded size, but certainly considerable, to Scyros, Lemnos and Imbros, and colonies to Aegina, and probably to Erythrae, Colophon and Astacus, not to speak of places outside the limits of the Athenian empire (Amisus, Sinope) and the large colonies of Thurii and Amphipolis, where the Athenian settlers were in a minority. For the distinction between colonies and cleruchies see *Ath. Trib. Lists*, III, pp. 282-97.

<sup>29</sup> e.g. Thuc., VII. 57.2 (Lemnian and Imbrian cleruchs and Aeginetan and Hestiaeian colonists serve in the Sicilian expedition).

<sup>30</sup> Plut., *Pericles*, 11.

<sup>31</sup> Thuc., II. 13.8.

<sup>32</sup> Arist., *Ath. Pol.*, 24.3.

<sup>33</sup> Thuc., III. 17.4, VI. 8.1, 31.3. After the Sicilian disaster the rate had to be cut to 3 obols owing to lack of funds (Thuc., VIII. 45.2).

<sup>34</sup> See Tod, *Greek Hist. Inscr.*, 1.53.

<sup>35</sup> Plut., *Pericles*, 12.

<sup>36</sup> Thuc., II. 13.3., Tod, *op. cit.*, I. 64.

<sup>37</sup> Herod., VIII. 44.

<sup>38</sup> Herod., VIII. 1.

<sup>39</sup> Herod., IX. 28.

<sup>40</sup> Nepos, *Miltiades*, 5. Suidas, s.v. *Ἰππίας* (citing Ephorus).

<sup>41</sup> Herod., V. 97, VIII. 65. Aristophanes (*Eccl.*, 1133) also gives this figure, though by this time (393-1) it was probably no longer true; he also (*Wasps*, 709) speaks of *δύο μυριάδες τῶν δημοτικῶν* (i.e. *thetes*) in 422.

<sup>42</sup> Thucydides (II. 13. 6 and 8) states that in 431 B.C. there were 13,000 citizen hoplites and 1,200 cavalry in the field army, and 16,000, comprising the youngest and oldest citizens and all metic hoplites, in the garrison army (Diod., XII. 40, using Ephorus, gives 12,000 and 17,000 respectively): he also says (II. 31) that in the same year 10,000 citizen hoplites and 3,000 metic hoplites invaded the Megarid, while there were 3,000 citizen hoplites besieging Potidaea. From the gross total of 30,000 one must deduct (a) the 3,000 metics who (by exception) was called up for the Megarian expedition (b) other metics, who by age would be unsuited for field service: these by analogy with the citizen figures would be about another 3,000 (c) the 18 and 19 age groups

(Thucydides' νεώτατοι), who are excluded from all the other figures under discussion. These age groups would, as the mortality rate was high in the ancient world, and the successive age groups therefore tapered off sharply, be large, and would account perhaps for 3,000.

<sup>43</sup> Cleruchs (as opposed to colonists) served in the Athenian army (see Note 23) and would have been entered in the official muster rolls (κατάλογοι) from which Thucydides drew his statistics. By this date some 4,000 cleruchs had been despatched to the Chersonnese, Naxos, Andros, Chalcis; and Scyros, Lemnos and Imbros might account for another 3,000 (see Note 28).

<sup>44</sup> Thuc., I. 121.3, 143.1, VII. 13.2., 63-4.

<sup>45</sup> Plut., *Pericles*, 11.

<sup>46</sup> Arist., *Ath. Pol.*, 24. 3, Thuc., II. 13.8.

<sup>47</sup> Thuc., IV. 101.2.

<sup>48</sup> id., V. 11.2.

<sup>49</sup> id., VI. 43, VII. 16.2, 20.2, 42.1.

<sup>50</sup> id., III. 87.3.

<sup>51</sup> Lysias, XX. 13, ὑμῶν ψηφισμένων πεντακισχιλίοις παραδοῦναι τὰ πράγματα καταλογεὺς ὧν ἑννακισχιλίους κατέλεξεν: cf. Thuc., VIII. 97.1, τοῖς πεντακισχιλίοις ἐψηφίσαντο τὰ πράγματα παραδοῦναι (εἶναι δ' αὐτῶν ὅποσοι καὶ ὅπλα παρέχονται).

<sup>52</sup> Diod., XVIII. 18.5, Plut., *Phocion*, 28. Diodorus gives 22,000 *thetes*, Plutarch 12,000. I accept Plutarch's figure because it agrees with the census of Demetrius of Phaleron, which gave 21,000 citizens in 317-07 (Athenaeus, VI. 272c), and with a contemporary orator's estimate of 20,000 citizens ([Dem.], XXV. 50). See also next note.

<sup>53</sup> A. Hoplites and cavalry. The Athenians put 6,600 men into the field in 394 (Xen., *Hell.*, IV. ii. 17), 6,000 in 362 (Diod., XV. 84), 5,400 in 352 (Diod. XVI. 37) and 5,500 in 323 (Diod., XVIII. 10-11); the last force consisted of the 20-40 age groups from 7 out of the 10 tribes. B. *Thetes*. In 351 the Athenians proposed to call up the age groups 20-45 to man 40 triremes (Dem., III. 4), for which 8,000 men would be required.

<sup>54</sup> See Gilbert, *Greek Const. Ant.*, pp. 176-83, Busolt-Swoboda, *Griech. Staatskunde*, II, pp. 984-6. The minor role played by the merchant class in Athenian politics is explained partly because so many merchants were metics, partly because merchants were mostly humble folk, owning little more than their one ship, and operating on capital borrowed on its security and that of their cargo.

<sup>55</sup> Xen., *Mem.*, II. viii. 1-5.

<sup>56</sup> Isaeus, V. 39, εἰς δὲ τοὺς μισθωτοὺς ἴοντας δι' ἑνδεῖαν τῶν ἐπιτηδείων, Isocr., XIV. 48, ἄλλους δ' ἐπὶ θήτειαν ἴοντες, τοὺς δ' ὅπως ἕκαστοι δύνανται τὰ καθ' ἡμέραν πορίζόμενοι.

<sup>57</sup> Xen., *Mem.*, II. v. 2., Dem., XXXVI. 28-9, 43.

<sup>58</sup> Plato., *Rep.*, 565a.

<sup>59</sup> Xen., *Mem.*, III. vii. 6.

<sup>60</sup> Arist., *Pol.*, IV. iv. 1 (1291b).

<sup>61</sup> Lysias, V. 5.

<sup>62</sup> e.g. the poor citizen, Choerylus, who is the hero of the *Plutus*, has a stock comic slave, Carion. In the *Ecclesiazusae* no slaves appear in the earlier part of the play when the women steal their husbands' clothes and the husbands subsequently wake up and have to put on their wives' clothes, but at the end a slave girl of Praxagora suddenly appears to do a comic turn. Yet Praxagora's communist programme includes μηδ' ἀνδραπόδοις τὸν μὲν χρῆσθαι πολλοῖς, τὸν δ' οὐδ' ἀκολουθῶ, and she surely belongs to the second class.

<sup>63</sup> Thuc., III. 17.4.

<sup>64</sup> Thuc., VII. 75.5, implies that most of the attendants of the Athenian cavalrymen and hoplites at Syracuse were slaves.

<sup>65</sup> Thuc., IV. 101.2. In Isaeus, V. 11, Dicaeogenes is reproached for sending a poor relation, whom he has defrauded of his inheritance, to serve his brother ἀντ' ἀκολουθου at Corinth (probably in the Corinthian war).

<sup>66</sup> Dem., XXIV. 197, θύρος ἀφαιρεῖν καὶ στρώμαθ' ὑποσπᾶν καὶ διάκονον, ἢ τις ἔχρητο, ταύτην ἐνεχυράζειν.

<sup>67</sup> For the trierarchy there were 20 symmories comprising in all 1,200 persons i.e. 60 per symmory (Dem., XIV. 15-16). For the war tax there were also symmories, which probably numbered 100; for Cleidemus (Photius, s.v. ναυκραρία) speaks of 100 symmories, which can only be those related to the war tax, and the war tax was collected by the 300 προεισφέροντες (Dem., XLII. 25) who are probably identical with the ἡγεμόνες, δεύτεροι and τρίτοι of the symmories (Dem., XVIII. 103, cf. Dinarchus, c. Dem., 42, Aesch. in Ctes., 222).

<sup>68</sup> Phaenippus (Dem., XLII. 5) is the only recorded owner of one large estate. Apollodorus owned land in 3 demes (Dem., L. 8); Timocrates' father in four places (Aesch., c. Tim., 97 and 101); Theopompus in two places (Isaeus, XI. 44); Timotheus (Dem., XLIX. 11) and the speaker of Lysias, VII (cf. 4-11 and 24) in two or more.

<sup>69</sup> Lysias, VII. 9-10, Isaeus, XI. 42. The metics who are described as γεωργοὶ in Tod, *Greek Hist. Inscr.*, II. 100, are probably tenant farmers (they could not be owners of land), though they might be agricultural labourers. Cf. Xen., *Symp.*, VIII. 25, on bad farming by tenants.

<sup>70</sup> Lysias, IV. 1, VII. 16, 34, Dem., XLVII. 53, LIII. 6. The freedmen who describe themselves as γεωργοὶ in *IG*<sup>2</sup>, II. 1553-78 (see Gomme, *Population of Ath.*, pp. 41-3 for an analysis) were probably formerly agricultural slaves, now labourers or tenants. The ἄγροικος in Theophrastus (*Char.*, IV. 5.) discusses politics with his agricultural οἰκέται and μισθωτοί.

<sup>71</sup> Dem., LIII. 19-21.

<sup>72</sup> Dem., LVII. 45.

<sup>73</sup> Dem., XLVII. 52, Isaeus, VI. 33.

<sup>74</sup> Lysias, XX. 11.

<sup>75</sup> Dem., XXII. 65 = XXIV. 172, οἱ γεωργοῦντες καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεία ἀναλώματα καὶ λητουργίας ἐτέρας ἐκλελοιπότες εἰσφορᾶν. The liturgies here referred to cannot be the state liturgies, which fell on a relatively wealthy class, but those of the demes (Isaeus, II. 42, *IG*<sup>2</sup>, I. 186-7B, II-III, 1178, 1198, 1200).

<sup>76</sup> *Pol.*, 1323a, cf. 1252b, ὁ γὰρ βοῦς αὐτ' οἰκέτου τοῖς πένησιν ἐστίν.

<sup>77</sup> It was inferred by Boeckh from Dem., XXVII. 7, XXVIII. 4, XXIX. 59, where 25 minae is stated or assumed to be the unit of assessment for εἰσφορά, that this was the minimum sum chargeable. As there were 9,000 citizens owning over 20 minae (see notes 50-1) there might reasonably be 6,000 owning over 25 minae.

<sup>78</sup> Dem., XXI. 83, 95.

<sup>79</sup> Lysias, XVI. 14.

<sup>80</sup> For the price of land see Lysias, XIX. 29 and 42; it works out at about 90 drachmae the *plethron*, or about 400 the acre. Rents are reckoned at about 8% of capital value in Isaeus, XI. 42 and *IG*<sup>2</sup>, II-III, 2496. For the cost of living see note 1. The poor farmers in Aristophanes' *Plutus* (223-4) are represented as working in the fields themselves.

<sup>81</sup> Xen., *Vect.*, iv. 14-15. Xenophon was writing over two generations later, quoting popular report, which may well have exaggerated Nicias' wealth (cf. Lysias, XIX. 47).

<sup>82</sup> Dem., XXXVII. 4.

<sup>83</sup> Lysias, XII. 19.

<sup>84</sup> Dem., XXXVI. 11; Demosthenes' 32-3 knifemakers brought in half a talent a year (Dem., XXVII. 9). See Dem., XXXVI. 5, for Pasion's land.

<sup>85</sup> Dem., XXVII. 9-11.

<sup>86</sup> [Plut.], *Vit. X Orat.*, *Isocrates* (*Mor.*, 836e).

<sup>87</sup> Xen., *Mem.*, II. vii. 3-6.

<sup>88</sup> Xen., *Mem.*, III. xi. 4.

<sup>89</sup> Aesch., *C. Tim.*, 97.

<sup>90</sup> Lycurgus, c. *Leostr.*, 23, 58; Demosthenes (XXVII. 9) reckons his skilled knifemakers at 3 minae a head at the lowest.

<sup>91</sup> Isacus, VIII. 35.

<sup>92</sup> Isacus, VI. 19, 20, 33-34.

<sup>93</sup> Xen., *Mem.*, II. iii.3, οἰκέτας μὲν οἱ δυνάμενοι ὠνοῦνται ἵνα συνέργους ἔχωσιν.

<sup>94</sup> Lysias, XXIV. 6, τέχνην δὲ κέκτημαι βραχέα δυναμένην ὠφελεῖν, ἣν αὐτὸς μὲν ἤδη χαλεπῶς ἐργάζομαι, τὸν διαδεχόμενον δ' αὐτὴν οὐπω δύναμαι κτήσασθαι.

<sup>95</sup> Suidas, s.v. ἀποψηφίσεις (453 B).

<sup>96</sup> Ath., VI. 272c.

<sup>97</sup> *die Bevölkerung der Griechisch-Römischen Welt*. pp. 84-99, cf. also R. L. Sargent, *The size of the slave population at Athens during the fifth and fourth centuries B.C.*, and W. L. Westermann, "Athenaeus and the slaves of Athens," *Athenian Studies presented to W. S. Ferguson*.

<sup>98</sup> Thuc., VII. 27.5. 'The figure must be an estimate, but even Thucydides' estimates are worthy of serious consideration. He implies that this loss was a very serious matter for the Athenians, i.e., that 20,000 was a substantial proportion of the total slave population.

<sup>99</sup> Xen., *Vect.*, iv. 25.

<sup>100</sup> Xen., *Vect.*, iv.22, πολλοὶ δ' εἰσὶ καὶ αὐτῶν τῶν ἐν τοῖς ἔργοις γηράσκοντες, πολλοὶ δὲ καὶ ἄλλοι καὶ Ἀθηναῖοι καὶ ξένοι οἳ τῷ σώματι μὲν οὔτε βούλονται ἂν οὔτε δύναιντ' ἂν ἐργάζεσθαι, τῇ δὲ γνώμῃ ἐπιμελόμενοι ἡδέως ἂν τὰ ἐπιτήδεια πορίζοντο.

<sup>101</sup> Dem., XLII. 20, πολλὰ ἐκ τῶν ἔργων τῶν ἀργυρείων ἐγώ, Φαίνιππε, πρότερον αὐτὸς τῷ ἑαυτοῦ σώματι πονῶν καὶ ἐργαζόμενος συνελεξάμην.

<sup>102</sup> Arist., *Ath. Pol.*, 62.3.

<sup>103</sup> Dem., XIII. 2, 10.

<sup>104</sup> Gilbert, *Greek Const. Ant.*, pp. 173-4.

<sup>105</sup> op. cit. p. 229

<sup>106</sup> Xen., *Vect.*, iv.25.

<sup>107</sup> The evidence is fully set out and analysed by Margaret Crosby in *Hesperia*, 1950, pp. 189 ff.

<sup>108</sup> Suidas, s.v. ἀγράφων μετὰλλων δίκη.

<sup>109</sup> Xen., *Hell.*, I. vi.24. Aristophanes, *Frogs*, 693-4.

<sup>110</sup> Arist., *Ath. Pol.*, 40.2.

<sup>111</sup> [Plut.], *Vit. X Orat.*, *Hypereides* (*Mor.*, 849a).

<sup>112</sup> [Xen.], *Ath. Pol.*, i. 10.

<sup>113</sup> Xen., *Hell.*, II. iii. 48.

<sup>114</sup> Plato, *Rep.*, 563b.

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I. THE ATHENIAN DEMOCRACY AND ITS CRITICS<sup>1</sup>

By A. H. M. JONES

IT is curious that in the abundant literature produced in the greatest democracy of Greece there survives no statement of democratic political theory. All the Athenian political philosophers and publicists whose works we possess were in various degrees oligarchic in sympathy. The author of the pamphlet on the 'Constitution of the Athenians' preserved among Xenophon's works is bitterly hostile to democracy. Socrates, so far as we can trace his views from the works of Xenophon and Plato, was at least highly critical of democracy. Plato's views on the subject are too well known to need stating. Isocrates in his earlier years wrote panegyrics of Athens, but in his old age, when he wrote his more philosophical works, became increasingly embittered against the political régime of his native city. Aristotle is the most judicial in his attitude, and states the pros and cons, but his ideal was a widely based oligarchy. With the historians of Athens, the same bias is evident. Only Herodotus is a democrat, but his views have not carried much weight, partly because of his reputation for naïveté, and partly because his explicit evidence refers to a period before the full democracy had evolved. Thucydides is hostile: in one of the very few passages in which he reveals his personal views he expresses approval of a régime which disfranchised about two-thirds of the citizens, those who manned the fleet on which the survival of Athens depended. Xenophon was an ardent admirer of the Spartan régime. Aristotle, in the historical part of his monograph on the Constitution of Athens followed—rather uncritically—a source with a marked oligarchic bias. Only the

<sup>1</sup> The latter part of this paper, dealing with Thucydides, owes much to, and is indeed in parts a summary of, an article by my former pupil, Mr G. E. M. de Ste Croix, entitled 'The character of the Athenian Empire', which was written some years ago but, owing to inordinate delays in the publication of the periodical which accepted it, is still not accessible to scholars. I owe Mr de Ste Croix a deep debt of gratitude for allowing me to anticipate his article (where the questions at issue are more fully discussed and documented), and also for many comments, criticisms and references in the earlier part of my paper, which he read in MS. I also wish to express my gratitude to Mr A. G. Woodhead, who read this paper in MS. and offered a number of useful comments.

I have in another article ('The economic basis of Athenian democracy', *Past and Present*, 1, 1952) endeavoured to rebut two other lines of criticism frequently brought against the Athenian democracy: that it was economically parasitic on the empire and on slavery. In my inaugural lecture (*The Athens of Demosthenes*, Cambridge, 1952) I tried to defend the Athenian people from the imputations of cowardice, idleness and fecklessness which are generally levelled against it by the orator's biographers. I have therefore ignored or dealt summarily with these issues in the present paper.



fourth-century orators were democrats; and their speeches, being concerned with practical political issues—mostly of foreign policy—or with private litigation, have little to say on the basic principles of democracy, which they take for granted.<sup>2</sup>

The surviving literature is certainly not representative of Athenian public opinion. The majority of Athenians were proud of their constitution and deeply attached to it. The few counter-revolutions—in 411, 404, 322 and 317—were carried out by small extremist cliques, in 411 after a carefully planned campaign of deception and terror, in the other three cases with the aid of a foreign conqueror, and all were short-lived, being rapidly overwhelmed by the mass of the citizens. Nor was it only the poor majority, who most obviously benefited from the system, that were its supporters. Most of the great statesmen and generals of Athens came from wealthy families, and a substantial number from the nobility of birth; the leaders of the popular risings which unseated the oligarchic governments of 411 and 403 were men of substance.

Since, however, the majority were mute—in the literature which has survived—it is not an easy task to discern what they considered the merits of democracy to be, or, indeed, on what principles they thought that a good constitution should be based. Democratic political theory can only be tentatively reconstructed from scattered allusions. For the basic ideals of democracy the best source is the series of panegyrics on Athens. The most famous of these, Pericles' Funeral Speech, as recorded by Thucydides, is also the most instructive; its peculiarities of diction and its general tone, which is in conflict with Thucydides' own outlook, suggest that it is a fairly faithful reproduction of what Pericles really said. There is an early fourth-century Funeral Speech attributed to Lysias, which contains some useful material. Little for our purposes can be drawn from Isocrates' *Panegyricus* and *Panathenaicus*. A curious document of this class is the skit on a Funeral Speech contained in Plato's *Menexenus*, which seems close enough to type to be used—with reservations—as a statement of democratic principles. To these documents, which too often only repeat banal generalities, may be added *obiter dicta* in the political and forensic speeches of the orators, when they appeal to some general principle. Among these may be included some political speeches in Thucydides, which, though placed in a Sicilian setting, doubtless are modelled on Athenian prototypes. Another important source is the actual constitution of Athens, from whose rules general principles can sometimes be deduced. But our most valuable evidence comes from the

<sup>2</sup> I have not, save for occasional references, included Aristophanes—or, for that matter, the tragedians—in my survey, because with Gomme (*Classical Review*, LII (1938), 97–107) I hold that Aristophanes wrote comedies and not political tracts. While he makes it fairly obvious that he strongly disliked certain features of the democracy, such as vulgar politicians like Cleon, he does not—and did not intend to—preach political doctrine, and his jokes cannot necessarily be taken for criticism.

criticisms of adversaries, which are so much more fully reported than anything from the democratic side. This evidence, though copious, is tricky to evaluate and must be used with caution. We must distinguish criticism on points of principle, where a democrat would have accepted his opponent's statement of the democratic point of view as correct, and would have argued that the principle or institution criticized was in fact a good one; and criticism on points of practice, which a democrat would have endeavoured to rebut, arguing that the accusations were untrue, or alternatively that the abuses alleged were regrettable but accidental and remediable defects of democracy.

It is the object of this paper to reconstruct from these sources democratic political theory and then to determine how far in practice the Athenian people lived up to its principles. The procedure will be to take up the various lines of criticism advanced by oligarchic critics, and to work out on what lines democrats would have answered them, using for this purpose the scattered evidence outlined above. The criticisms of the philosophical writers will be analysed first, and then those of the historians—or rather of Thucydides, who alone demands discussion. This distinction in the source of the criticism corresponds with a division in subject-matter, for the philosophers confine their attacks almost entirely to the internal working of democracy, while Thucydides is primarily interested in Athenian foreign and imperial policy.

The first and most basic charge brought by the philosophers against democracy is best expressed by Aristotle in his characteristic terse direct style: 'in such democracies each person lives as he likes; or in the words of Euripides "according to his fancy". This is a bad thing.'<sup>3</sup> This is no isolated text. Aristotle returns to the point elsewhere.<sup>4</sup> Isocrates in the *Areopagiticus*<sup>5</sup> declares that in the good old days it was not the case that the citizens 'had many supervisors in their education but as soon as they reached man's estate were allowed to do what they liked', and urges that the Areopagus should recover its alleged pristine power of controlling the private lives of all the citizens. Plato in the *Republic*<sup>6</sup> complains that under a democracy 'the city is full of liberty and free speech and everyone in it is allowed to do what he likes . . . each man in it could plan his own life as he pleases'. He then enlarges on the deplorable results of this, that the citizens are various, instead of conforming to one type, and that foreigners and even women and slaves are as free as the citizens.<sup>7</sup>

An Athenian democrat would no doubt have demurred at the last charge, though admitting with some pride that foreigners and slaves were exceptionally well treated at Athens,<sup>8</sup> but he certainly gloried in the accusation of

<sup>3</sup> *Pol[itics]*, v, ix, 15 (1310a).

<sup>4</sup> *Pol.* vi, ii, 3 (1317b); iv, 20 (1319b).

<sup>5</sup> vii, 37; cf. vii, 20, xii, 131.

<sup>6</sup> viii, 557b.

<sup>7</sup> *Ibid.* 563b. The same complaint about metics and slaves is made in [Xenophon], *Ἀθ[ηναίων] πολ[ιτεία]*, i, 10–12.

<sup>8</sup> See Dem[osthenes], xxi, 46–50 and ix, 3 on slaves.

liberty. Freedom of action and of speech were the proudest slogans of Athens, and not only political but personal freedom; as Pericles says in the Funeral Speech,<sup>9</sup> 'we live as free citizens both in our public life and in our attitude to one another in the affairs of daily life; we are not angry with our neighbour if he behaves as he pleases, we do not cast sour looks at him, which, if they can do no harm, cause pain'. Freedom of speech was particularly prized.<sup>10</sup> As Demosthenes<sup>11</sup> says, 'in Sparta you are not allowed to praise the laws of Athens or of this state or that, far from it, you have to praise what agrees with their constitution', whereas in Athens criticism of the democracy was freely permitted. One only has to read the works of Isocrates, Plato and Aristotle to see that this is true. The condemnation of Socrates is an apparent exception to the rule, but as Xenophon's<sup>12</sup> account of the matter shows, the real gravamen of the charge against Socrates was that, of his pupils, Alcibiades had done more than any other one man to ruin Athens in the recent war, and Critias had been the ruthless ringleader of the Thirty, who had massacred thousands of Athenians a few years before.

The second main charge against democracy is most neatly stated by Plato:<sup>13</sup> that 'it distributes a kind of equality to the equal and the unequal alike'. The same point is made by Isocrates,<sup>14</sup> who distinguishes 'two equalities; one allots the same to every one and the other what is appropriate to each', and alleges that in the good old days the Athenians 'rejected as unjust the equality which considers the good and the bad worthy of the same rights, and chose that which honours each according to his worth'. Aristotle<sup>15</sup> argues similarly, though he is justifiably sceptical about the criterion according to which rights are to be scaled; in democracy freedom is the criterion, that is, all free men are equal, and this is in Aristotle's view unjust, but so in his opinion are the only practical alternative criteria, wealth or birth.

Democrats in general approved of the egalitarian principle.<sup>16</sup> Demosthenes in one passage<sup>17</sup> argues that what makes all citizens public spirited and generous is 'that in a democracy each man considers that he himself has a share in equality and justice', and in another<sup>18</sup> praises a law forbidding legislation directed against individuals as being good democratic doctrine, 'for as everyone has an equal share in the rest of the constitution, so everyone is entitled to an equal share in the laws'. The Athenians were not, however, either in theory or in practice, absolute egalitarians, but drew a distinction between different political functions. On one point they admitted no compromise—

<sup>9</sup> Thuc[ydides], II, 37. 2.

<sup>10</sup> Cf. Eurip[ides], *Hippolytus*, 421-3; *Ion*, 670-2.

<sup>11</sup> xx, 106.

<sup>12</sup> *Mem[orabilia]*, I, ii, 12 ff.; cf. Aeschines, I, 173.

<sup>13</sup> *Republic*, VIII, 558c; cf. *Laws*, VI, 757.

<sup>14</sup> VII, 21; cf. III, 14.

<sup>15</sup> *Pol.* II, ix, 1-5 (1280a); v, 2-7 (1301a); VI, ii, 2 (1317b). In VI, iii (1318a) Arist[otle] makes an ingenious attempt to combine democratic and oligarchic equality.

<sup>16</sup> For praise of *isôritês* see Eurip. *Supplices*, 404-8, 433-41; *Phoenissae*, 535 ff.

<sup>17</sup> xxi, 67.

<sup>18</sup> xxiv, 59.

equality before the law; as Pericles<sup>19</sup> says, 'in their private disputes all share equality according to the laws'. This to us elementary principle needed emphasis, for Plato's friends in the Thirty, when they drew up a new constitution, ordained that only the 3000 full citizens were entitled to a legal trial and that all others might be summarily executed by order of the government.<sup>20</sup> It was secured in the Athenian constitution not only by the right of every citizen to seek redress in the courts, but by the character of the courts, which consisted of large juries drawn by lot from the whole body of the citizens.

The Athenians also attached great importance to the equality of all citizens in formulating and deciding public policy. This was secured by the right of every citizen to speak and vote in the assembly, and by the composition of the council of Five Hundred, which prepared the agenda of the assembly; this body was annually chosen by lot from all the demes of Attica. Here democratic principle came into conflict with the oligarchic view, developed at length by Plato, that government was an art, demanding the highest skill, and should therefore be entrusted to a select few. On this question Aristotle, whose ideal was a broadly based oligarchy, whose members would not all be experts, took issue with Plato, and the arguments which he uses are applicable to a fully democratic régime, and probably drawn from democratic theory. In the first place<sup>21</sup> he argues that, though each individual in a large assembly may be of poor quality, the sum of their virtue and wisdom taken together may exceed the virtue and wisdom of a select few, just as dinners provided by joint contributions may be better than those provided by one rich host. His second argument<sup>22</sup> is rather more cogent. Politics, he suggests, is one of those arts in which the best judge is not the artist himself, but the user of the product. The householder is a better judge of a house than the architect, the steersman of a rudder, rather than the carpenter, the eater of a meal rather than the cook. A third justification for democratic practice is put into the mouth of Protagoras by Plato<sup>23</sup> in a passage which so well illustrates the tone of the Athenian assembly that it is worth quoting in full. Socrates is expressing his doubts as to whether political wisdom is teachable.

I, like the other Greeks [he says], think that the Athenians are wise. Well, I see that when we gather for the assembly, when the city has to do something about buildings, they call for the builders as advisers and when it is about ship construction, the shipwrights, and so on with everything else that can be taught and learned. And if anyone else tries to advise them, whom they do not think an expert, even if he be quite a gentleman, rich and aristocratic, they none the less refuse to listen, but jeer and boo, until either the speaker himself is shouted down and gives up, or the sergeants at arms, on the order of the presidents, drag him off or remove him. That

<sup>19</sup> Thuc. II, 37. 1.

<sup>20</sup> Xen. *Hell[enica]*, II, iii, 51.

<sup>21</sup> *Pol.* III, xi, 1-2 (1281b); in §5 he limits this argument to certain bodies of men only, excluding those in which the majority are 'brutes'.

<sup>22</sup> *Pol.* III, xi, 14 (1282a); here again he limits the argument to cases where the majority are not 'too slavish'.

<sup>23</sup> *Protagoras*, 319b-323a.

is how they behave on technical questions. But when the debate is on the general government of the city, anyone gets up and advises them, whether he be a carpenter or a smith or a leather worker, a merchant or a sea-captain, rich or poor, noble or humble, and no one blames them like the others for trying to give advice, when they have not learned from any source and have had no teacher.

Protagoras' reply is in mythological form. Zeus when he created men gave various talents to each, but to all he gave a sense of decency and fair play, since without them any society would be impossible.

So, Socrates, [he concludes] that is why the Athenians and the others, when the debate is about architecture or any other technical question, think that few should take part in the discussion, and if anyone outside the few joins in, do not tolerate it, as you say—rightly in my opinion. But when they come to discuss political questions, which must be determined by justice and moderation, they properly listen to everyone, thinking that everyone shares in these qualities—or cities wouldn't exist.

The Athenians went yet further in their egalitarian principles in that they entrusted the routine administration of the city to boards of magistrates chosen by lot. This aroused the irony of Socrates,<sup>24</sup> who declared that 'it was silly that the rulers of the city should be appointed by lot, when no one would be willing to employ a pilot or a carpenter or a flautist chosen by lot'. It is a proof of the poverty of our information on democratic theory that no reasoned defence of this cardinal institution, the lot, has survived. The nearest thing to it is a comic passage in a private speech of Demosthenes<sup>25</sup> where Mantitheus, pleading against the assumption of his name by his half-brother, raises the hypothetical case that both might put in their names for the ballot for an office or the council, and that the name Mantitheus might be drawn. There would have to be a lawsuit 'and we shall be deprived of our common equality, that the man who wins the ballot holds office: we shall abuse one another and the cleverer speaker will hold the office'. It is implied that the lot was employed to give every citizen an equal chance, without regard to wealth, birth or even popularity or eloquence. This may seem to be carrying principle to extremes, but Socrates' comment is not altogether fair. It was not 'the rulers of the city' who were chosen by lot, but officials charged with limited routine duties, for which little more than 'a sense of decency and fair play' was required. Furthermore, it must be remembered that a magistrate had to pass a preliminary examination, which was, it is true, usually formal, but gave his enemies an opportunity for raking up his past;<sup>26</sup> was liable to be deposed by a vote of the assembly taken ten times a year;<sup>27</sup> and after his year was subject to a scrutiny in which his accounts were audited and any citizen could charge him with inefficiency or abuse of authority.<sup>28</sup> It is unlikely that many rogues or nincompoops would expose themselves to these risks.

<sup>24</sup> Xen. *Mem.* 1, ii, 9.

<sup>25</sup> XXXIX, 10-11.

<sup>26</sup> Arist. *Ἀθ. πολ.* 55. 2; cf. *Lysias*, xvi and xxxi, for hostile speeches at a *δοκιμασία*.

<sup>27</sup> *Ibid.* 43. 4.

<sup>28</sup> *Ibid.* 48. 3-5, 54. 2.

Athenian democrats did not believe that all should share alike in the important offices, whose holders to some extent controlled policy. Pericles,<sup>29</sup> after affirming the equality before the law of all citizens, goes on: 'but in public esteem, when a man is distinguished in any way, he is more highly honoured in public life, not as a matter of privilege but in recognition of merit; on the other hand any one who can benefit the city is not debarred by poverty or by the obscurity of his position.' This point is even more strongly put in the mock panegyric in the *Menexenus*:<sup>30</sup>

For in the main the same constitution existed then as now, an aristocracy, under which we now live and have always lived since then. A man may call it democracy, and another what he will. But in truth it is an aristocracy with the approval of the majority. We have always had kings: sometimes they were hereditary, sometimes elective. In most things the majority is in control of the city, and bestows office and power on those whom it thinks to be the best. No one is rejected for weakness or poverty or humble birth, nor honoured for their opposites, as in other cities. There is one criterion: the man who is thought to be wise and good holds power and rule.

These principles were embodied in the Athenian constitution, whereby all the important magistrates—the ten generals, who not only commanded the army and the fleet but exercised a general control over defence and foreign policy, the other military commanders, and in the fourth century the principal financial magistrates—were elected by the people; a procedure which could be regarded as aristocratic.<sup>31</sup> In fact, the Athenian people were rather snobbish in their choice of leaders.<sup>32</sup> The 'Old Oligarch' <sup>33</sup> sneeringly remarks, 'they do not think that they ought to share by lot in the offices of general or commander of the horse, for the people knows that it gains more by not holding these offices itself but allowing the leading citizens to hold them'. Xenophon <sup>34</sup> records the complaints of Nicomachides, an experienced soldier, that he has been beaten in the elections for the generalship by a rich man who knows nothing about military affairs. Demosthenes, a strong democrat, rakes up Aeschines' humble origins in a fashion which we should hardly consider in good taste, but apparently did not offend an Athenian jury. 'We have judged you, a painter of alabaster boxes and drums, and these junior clerks and nobodies (and there is no harm in such occupations, but on the other hand they are not deserving of a generalship) worthy of ambassadorships, generalships and the highest honours'.<sup>35</sup>

Besides the lot the other instrument whereby the Athenians secured the

<sup>29</sup> Thuc. II, 37. 1.

<sup>30</sup> Plato, *Menex[enus]*, 238cd.

<sup>31</sup> Arist. *Pol.* II, xii, 2 (1273b).

<sup>32</sup> For the fourth century see J. Sundwall, 'Epigraphische Beiträge', *Klio*, Beiheft IV (1906), §§ 2, 5, 8.

<sup>33</sup> [Xen.] *'Aθ. πολ.* i, 3.

<sup>34</sup> *Mem.* III, iv, 1.

<sup>35</sup> XIX, 237. In 282 Demosthenes states what he thinks are the proper qualifications for high office—trierarchies, liturgies, etc. Cf. the vulgar abuse of Cleon and other politicians as being low persons engaged in trade by Aristophanes in the *Knights*.

effective political equality of the citizens was pay. The 6000 jurors, the council of 500 and the 350 odd magistrates were all paid for their services at various rates; it may be noted that elective magistrates—the military commanders and ambassadors—were paid, and at higher rates than the ordinary magistrates chosen by lot,<sup>36</sup> so that the claim that poverty was no barrier to political power was justified. During the fourth century citizens who attended the assembly—or at least a quorum who arrived first—were also paid. The philosophers objected to this practice. Aristotle<sup>37</sup> criticizes it precisely because it fulfilled its purpose of enabling the poor to exercise their political rights. It may, however, be doubted if by his day it was fully effective. The assembly and the juries seem, from the tone in which the orators address them, to have consisted predominantly of middle-class citizens rather than of the poor,<sup>38</sup> and there is evidence that the council also was mainly filled by the well-to-do.<sup>39</sup> The real value of the state pay had, owing to the progressive rise of prices, sunk considerably by the latter part of the fourth century, and the poor probably preferred more profitable employment. Plato<sup>40</sup> also objects to state pay: 'I am told', he says, 'that Pericles made the Athenians idle and lazy and garrulous and avaricious by first putting them on state pay.' This is an oft-repeated accusation but has very little substance. In a population which never sank below 20,000 adult males and probably reached twice that figure at its peak, the council and the magistracies did not provide employment except on rare occasions; a man might not hold any magistracy more than once, or sit on the council more than twice in his life.<sup>41</sup> Assemblies were held only on forty days in the year.<sup>42</sup> It was only as a juror that a citizen could obtain more or less continuous employment, and here the rate of remuneration was so low—half a labourer's wage in the fifth century and a third in the late fourth, in fact little more than bare subsistence<sup>43</sup>—that in the fifth century, if the picture drawn in Aristophanes' *Wasps* is true, it attracted only the elderly, past hard work, and in the early fourth century, when economic conditions were worse, according to Isocrates, the unemployed.<sup>44</sup>

The third main criticism of democracy comes from Aristotle,<sup>45</sup> that in its extreme (that is, Athenian) form 'the mass of the people [or the 'majority'] is

<sup>36</sup> Aristophanes jibes at ambassadors with their 2 drachmae a day (*Acharnians*, 66, 90) and military officers with 3 drachmae (*ibid.* 595–607).

<sup>37</sup> *Pol.* iv, vi, 5–6 (1293a); elsewhere Aristotle is prepared to accept political pay, provided that precautions are taken to prevent the poor outnumbering the rich (iv, xiii, 6 (1297a), xiv, 13 (1298b)).

<sup>38</sup> See my *Athens of Demosthenes*, pp. 20ff.

<sup>39</sup> Lysias, xiii, 20. Rich men like Demosthenes and Apollodorus apparently found no difficulty in securing a seat on the council when convenient (*Dem.* xxi, 111; xix, 154, 286; lxx, 3–4). See also J. Sundwall, *op. cit.* § 1 (pp. 1–18).

<sup>40</sup> *Gorgias*, 515e.

<sup>41</sup> *Arist. 'Ath. pol.* 62. 3.

<sup>42</sup> *Ibid.* 43. 3.

<sup>43</sup> See my *Athens of Demosthenes*, p. 23 and n. 85.

<sup>44</sup> vii, 54; viii, 130. But see n. 38.

<sup>45</sup> *Pol.* iv, iv, 25 (1292a); vi, 2–6 (1292b–93a).

sovereign instead of the law; this happens when decrees are valid instead of the law'. It is not entirely clear what Aristotle means by this. He appears here and elsewhere to conceive of the law as an immutable code, laid down by an impartial legislator, against which the will of the citizens, assumed always to be self-interested, should not in an ideal state be allowed to prevail. He may therefore be objecting to any legislation by decision of the majority—or, for that matter, by any constitutional procedure. But this meaning seems to slide into another, that in an extreme democracy the majority in the assembly habitually overrides the existing laws, however established, by arbitrary executive action in particular cases, acting, as he puts it, like the traditional Greek tyrant.

The doctrine of the immobility of law was naturally favoured by oligarchs, who were generally conservative, or, when they wanted to alter the law, professed to be restoring an 'ancestral constitution'. Democrats, who more often wished to change things, might have been expected to work out a more progressive theory. Some thinkers in the fifth century did indeed propound the doctrine that the law was the will of the sovereign. Socrates, according to Xenophon,<sup>46</sup> defined law as 'what the citizens have by agreement enacted on what must be done and what avoided', and was quite prepared to admit that what the citizens enacted they could revoke, just as having declared war they could make peace. Xenophon<sup>47</sup> also reports a no doubt imaginary conversation between Pericles and Alcibiades, in which the former defined law as 'what the mass of the people [or 'the majority'], having come together and approved it, decrees, declaring what must and what must not be done'. Led on by Alcibiades he extends this definition to oligarchies and tyrannies, declaring that what the sovereign body or person decrees is law. Asked by Alcibiades what then is violence and lawlessness, Pericles replies 'when the stronger does not persuade the weaker but compels him by force to do what he wants'. This enables Alcibiades after suitable leading questions about tyrants and oligarchies, to ask: 'Would what the whole mass of the people, overpowering the holders of property, enacts without persuading them, be violence rather than law?' Pericles at this point tells Alcibiades to go away and play, leaving the ambiguity in his theory of law unresolved. In the fourth century Demosthenes<sup>48</sup> enunciates a similar view in one passage, asserting that 'the laws lay down about the future [he is denouncing retrospective legislation as undemocratic] what must be done, being enacted by persuasion as they will benefit their users'. Some democrats then conceived of law as the considered will of the majority, adding the rider that the majority should persuade the minority and consider the interests of all.

In general, however, democrats tended like Aristotle to regard the laws as a code laid down once for all by a wise legislator, in their case Solon, which,

<sup>46</sup> *Mem.* IV, iv, 13–14.

<sup>48</sup> xxiv, 76.

<sup>47</sup> *Mem.* I, ii, 40–6.



immutable in principle, might occasionally require to be clarified or supplemented. These were the terms of reference given to the legislative commission set up after the restoration of the democracy in 403,<sup>49</sup> and the standing rules governing legislation show the same spirit. At no time was it legal to alter the law by a simple decree of the assembly. The mover of such a decree was liable to the famous 'indictment for illegal proceedings', which, if upheld by the courts, quashed the decree, and also, if brought within a year, exposed the mover to heavy penalties. In the fifth century additions to the law were prepared by special legislative commissions, and then submitted to the council and assembly,<sup>50</sup> but there seems to have been no constitutional means of altering the existing law.<sup>51</sup> After 403 an elaborate procedure was introduced for revising the law, which took the matter out of the hands of the assembly. Every year the assembly passed the laws under review, and voted on them, section by section, whether they should stand or be revised. If a revision of any section was voted, any citizen was entitled to propound alternative laws, which were given due publicity, and a court of 501 or 1001 legislators was empanelled. The issue between the old and the proposed laws was then argued judicially (counsel for the old laws being appointed by the assembly), and the legislators, acting as a jury under oath, gave their verdict.<sup>52</sup>

Such was the Athenian theory on legislation. How far it was observed in practice is disputable. Both Demosthenes and Aeschines,<sup>53</sup> when bringing indictments for illegal proceedings, inveigh against the unscrupulous politicians (their opponents) who flout the law, and Demosthenes alleges that as a result 'there are so many contradictory laws that you have for a long while past been electing commissions to resolve the conflict, and none the less the problem can have no end. Laws are no different from decrees, and the laws, according to which decrees ought to be indicted, are more recent than the decrees themselves.' These strictures may be taken with a grain of salt. Politicians no doubt often tried to by-pass the rather cumbrous procedure for legislation—Demosthenes did so himself through Apollodorus over the allocation of the theoric fund.<sup>54</sup> But the indictment for illegal proceedings was a favourite political weapon, often invoked, as by Aeschines against Demosthenes on the famous issue of the Crown, on very technical grounds. And Aristophon's boast that he had been indicted (unsuccessfully) seventy-five times,<sup>55</sup> if it proves that some politicians often sailed near the wind, also proves that there were many jealous watchdogs of the constitution;

<sup>49</sup> Andocides, I, 81–5.

<sup>50</sup> As in Tod, *Gr[reek] Hist[orical] Inscr[iptions]* I<sup>2</sup>, 74; Arist. 'Aθ. πολ. 29. 2.

<sup>51</sup> This appears from the fact that the commissioners of 411 thought it necessary to repeal the *γραφὴ παρανόμων* (and other similar constitutional safeguards) before any substantive change of the law was proposed (Arist. 'Aθ. πολ. 29. 4; Thuc. VIII, 67. 2).

<sup>52</sup> Dem. xx, 88 ff.; xxiv, 18 ff.: Aesch[ines], III, 38 ff.

<sup>53</sup> Dem. xx, 91; Aesch. III, 3.

<sup>54</sup> Dem. LIX, 4.

<sup>55</sup> Aesch. III, 194.

Demosthenes' attempt to evade the law was, incidentally, foiled and Apollodorus suffered.<sup>56</sup>

On the other aspect of the rule of law Athenian democrats held exactly the opposite view to Aristotle's. 'Tyrannies and oligarchies', according to Aeschines,<sup>57</sup> 'are governed by the ways of their governments, democratic cities by the established laws.' 'No one, I think, would assert', says Demosthenes,<sup>58</sup> 'that there is any more important cause for the blessings which the city enjoys and for its being democratic and free, than the laws.' In another passage<sup>59</sup> Demosthenes contrasts law and oligarchy, declaring that in the latter any member of the government can revoke existing rules and make arbitrary enactments about the future, whereas the laws lay down what must be done for the future and are passed by persuasion in the interests of all. To Lycurgus<sup>60</sup> of 'the three most important factors which maintain and preserve democracy', the first is the law. Hypereides<sup>61</sup> declares it all important 'that in a democracy the laws shall be sovereign'.

Both sides were naturally thinking of the worst specimens of the opposite party. Athenian democrats inevitably called to mind the arbitrary excesses of their own Four Hundred and Thirty when they spoke of oligarchies, and oligarchs could no doubt cite democracies whose acts were as brutal and illegal. On the whole the Athenian democracy seems to have lived up to its principles. Xenophon<sup>62</sup> has given us a vivid picture of one occasion when the assembly in a hysterical mood rode roughshod over its own rules of procedure and condemned the generals in command at Arginusae to death by one summary vote. But the emphasis given to this incident suggests that it was very exceptional. And Xenophon,<sup>63</sup> no favourable witness to the democracy, also testifies that after the restoration of the democracy in 403 the people religiously observed the amnesty agreed with the supporters of the Thirty. When one reads Xenophon's and Aristotle's record of the doings of the Thirty, one cannot but be amazed at the steadfast forbearance of the Athenian people.

The final and principal charge brought by the philosophers against democracy was that it meant the rule of the poor majority over the rich minority in their own interest. This is the main thesis of the 'Old Oligarch', whose treatise on the Athenian Constitution takes the form of an ironical appreciation of its efficiency in promoting the interests of 'the bad' (the poor) at the expense of 'the good' (the rich); he is equally cynical in assuming that 'the good', if they got the chance, would govern in their own interest to the detriment of 'the bad'.<sup>64</sup> Plato in the *Republic*<sup>65</sup> declares that 'democracy results when the poor defeat the others and kill or expel them and share the

<sup>56</sup> Dem. LIX, 5.

<sup>57</sup> I, 4, repeated verbatim in III, 6.

<sup>58</sup> XXIV, 5.

<sup>59</sup> XXIV, 75-6.

<sup>60</sup> *Contra Leocratem*, 4.

<sup>61</sup> III, 5.

<sup>62</sup> *Hell.* I, vii.

<sup>63</sup> *Ibid.* II, iv, 43. Cf. Plato, *Menex.*, 243e, *Epistolae*, vii, 325b, and Isocr[ates], XVIII, 31-2, 44, 46, 68.

<sup>64</sup> [Xen.] *'Ath. pol.* i, 4-9.

<sup>65</sup> VIII, 557a.

constitution and the offices equally with the rest'. Aristotle<sup>66</sup> is very insistent that democracy is directed to the advantage of the indigent, going so far as to say that if, *per impossibile*, there should be more rich than poor in a city, the rule of the poor minority should be called democracy, and that of the rich majority oligarchy.

This view was naturally not accepted by democrats. Their views are doubtless reflected in the speech put into the mouth of the Syracusan democrat Athenagoras by Thucydides:<sup>67</sup>

It will be said that democracy is neither wise nor fair, and that the possessors of property are best qualified to rule well. My opinion is first that the people is the name of the whole, and oligarchy of a part, and secondly that the rich are the best guardians of property, the wise the best councillors, and the masses can best hear and judge, and that all these elements alike, jointly and severally, have an equal share in democracy.

It is more difficult to answer the question whether the Athenian democracy did or did not in fact exploit the rich for the benefit of the poor. In the distribution of political power and influence the rich seem to have fared well. In the minor offices and on the council and in the juries the poor no doubt predominated, though even here it would seem that by the fourth century the well-to-do were by no means crowded out. To the important military, diplomatic and financial offices men of birth and wealth were generally elected.<sup>68</sup> The orators who, normally holding no office, guided policy by their speeches in the assembly were also mostly well-to-do, and many of them of good family.<sup>69</sup> It was comparatively rarely that a self-made man like Phrynichus or Aeschines achieved political influence. A rich man or an aristocrat certainly did not find that his political career was prejudiced by his wealth or birth, while poor and humbly born politicians had to face a good deal of abuse from comedians and orators.

Isocrates complains bitterly of the fiscal exploitation of the rich. In the *de Pace*<sup>70</sup> he rolls out a list of taxes and charges 'which cause so much vexation that property owners lead a harder life than utter paupers', and in the *Antidosis* he declares: 'when I was a boy it was thought to be such a secure and grand thing to be rich that practically everyone pretended to possess a larger property than he actually did, in his desire to acquire this reputation. But now one has to prepare a defence to prove that one is not rich, as if it were a great crime.'<sup>71</sup> From the meagre figures which we possess it is difficult to check these allegations. Normal peace-time expenditure (including the pay of citizens for political services) was defrayed from a variety of indirect taxes, a tax on resident aliens, royalties from the silver mines, rents of public and

<sup>66</sup> *Pol.* III, vii, 5 (1279b); viii, 2-7 (1279b-80a); IV, iv, 1-3, 6 (1290ab).

<sup>67</sup> VI, 39. 1.

<sup>68</sup> Cf. [Xen.] *'Ath. pol.* i, 3; Dem. XXIV, 112; Arist. *'Ath. pol.* 21. 1; Eupolis, fr. 117. Cf. note 32.

<sup>69</sup> J. Sundwall, *op. cit.* § 8 (pp. 59-84).

<sup>70</sup> VIII, 128.

<sup>71</sup> xv, 159-60.

sacred land, court fees and fines and confiscations imposed by the courts. Certain religious festivals were financed by the system of liturgies, whereby rich men were nominated to produce plays, train teams of athletes and the like. In time of war it was often necessary to raise a property tax, which fell, it would seem, on about 6000 persons, or a third to a quarter of the citizen body. In war time also the richest of the citizens were nominated as trierarchs, in which capacity they had to maintain a trireme in seaworthy condition for a year.

The war tax, of which great complaints were made, averaged over twenty years in the fourth century at a rate equivalent to a 5*d.* or 6*d.* in the pound income-tax. We need not therefore take the laments of Isocrates and his like very seriously. The tax seems in fact to have been too widely spread, and did cause hardship to the poorest of those liable. It was, as appears from Demosthenes' speeches, very difficult to get the assembly, a substantial proportion of whom were taxpayers, to vote a levy, and hence wars were always inadequately financed.<sup>72</sup> Liturgies are much more difficult to calculate, as it depended greatly on the individual concerned how often he undertook them and how much he spent on each. It was useful political advertisement, almost a form of canvassing, to put up good shows,<sup>73</sup> and rich men were often very willing to acquire popularity by serving frequently and spending lavishly on gorgeous costumes and high salaries to stars. An evidently very rich man for whom Lysias<sup>74</sup> wrote a speech boasts that he undertook eleven liturgies in six years, spending in all nearly three and a half talents—a middle-class fortune. But, as he remarks, he need not have spent on them a quarter of this sum if he had confined himself to the strict requirements of the law; nor need he have performed more than a maximum of four liturgies.<sup>75</sup> At the other extreme another very rich man, Meidias, had, according to Demosthenes,<sup>76</sup> performed only one liturgy at the age of nearly fifty, and Dicaeogenes, another wealthy man, only undertook two minor ones in ten years.<sup>77</sup> The trierarchy was a heavier burden than the ordinary liturgies, costing from 40 to 60 minae ( $\frac{2}{3}$  to 1 talent) a year,<sup>78</sup> and as it might fall on fortunes of five talents,<sup>79</sup> the temporary strain on a poor trierarch's resources would be severe. For this reason the burden was usually from the end of the fifth century shared between two holders,<sup>80</sup> and from 357 the 1200 persons liable to trierarchic

<sup>72</sup> See my *Athens of Demosthenes*, pp. 1–12.

<sup>73</sup> Cf. Xen. *Mem.* III, iv, 3; Dem. XIX, 282.

<sup>74</sup> XXI, 1–5.

<sup>75</sup> Dem. xx, 8 shows that a man could claim a year's exemption after a liturgy: if there were, as Demosthenes says (xxi, 21), only about sixty liturgies to fill per annum, they cannot have fallen very often on the individual rich citizen.

<sup>76</sup> XXI, 156 (cf. 154).

<sup>77</sup> Isaeus, v, 35–6.

<sup>78</sup> Lysias' client reckons 6 talents for 7 years (xxi, 2); Demosthenes states that a contractor would take over a trierarchy for 1 talent (xxi, 155), but himself paid only 20 minae (a third of a talent) in lieu of performing a (half?) trierarchy (xxi, 80). In Lysias, xix, 29 and 42, the speaker claims to have spent 80 minae (1½ talents) on three (half?) trierarchies.

<sup>79</sup> Isaeus, vii, 32, 42.

<sup>80</sup> Isocr. xviii, 59–60; Lysias, xxxii, 24; Dem. L, 39, 68.

service were divided into twenty groups, whose members shared the expense;<sup>81</sup> thus, if a fleet of 100 ships were commissioned, twelve men would share the charge for each trierarchy. Here again the incidence of the burden varied greatly. The same man who performed eleven liturgies served seven years as trierarch during the Ionian War, spending six talents,<sup>82</sup> and a certain Aristophanes (with his father) served three trierarchies in four or five years in the Corinthian War, spending 80 minae in all.<sup>83</sup> Isocrates, on the other hand, who complains so bitterly of the oppression of the rich, and had made a large fortune by his rhetorical teaching, could at the age of eighty boast of only three trierarchies (including those performed by his son).<sup>84</sup> But it would be unfair to the Athenian upper classes to take the parsimonious orator as typical. As a public-spirited citizen we may instance the father of one of Lysias' clients, who in a career of fifty years (which included the Peloponnesian and Corinthian wars) was trierarch seven times. His son proudly displayed to the jury his father's accounts, which showed that he had altogether disbursed on trierarchies, liturgies and war tax 9 talents 20 minae,<sup>85</sup> an average of over 11 minae per annum. His fortune is not stated, but he certainly was a very rich man, since he entered chariots for the Isthmia and Nemea,<sup>86</sup> and is likely to have possessed substantially more than 15 talents, which Demosthenes implies would qualify a man to be called really rich.<sup>87</sup> If so, his contribution to the state would not have exceeded one-eighth of his income.

The taxation of the rich was very erratic, falling heavily in war years, and was badly distributed; before 357 all persons on the trierarchic register took their turn, though some were much richer than others, and after 357 all members of a group contributed equally.<sup>88</sup> This lack of system enabled some rich men to escape very lightly, and was on occasions oppressive to those with moderate fortunes. On the other hand, many rich men liked to make a splash, undertaking more trierarchies and liturgies than their legal quota, and thereby easing the burden of the others. In general, it would seem that the average burden borne by the well-to-do in Athens was well within their means, though its erratic incidence might cause them temporary embarrassment.

The critics, however, allege that a more sinister method of soaking the rich than taxation was in vogue at Athens—that of condemning them on trumped-up charges and confiscating their property.<sup>89</sup> There is reason to believe that this abuse of the law courts did sometimes occur, but it is very difficult to say whether it was common.

<sup>81</sup> Dem. XLVII, 21, 44; cf. XIV, 16-17.

<sup>82</sup> Lysias, XXI, 2. He could have claimed two years' exemption after each year of service (Isaeus, VII, 38).

<sup>83</sup> Lysias, XIX, 29, 42-3.

<sup>84</sup> Isocr. XV, 145.

<sup>85</sup> Lysias, XIX, 57-9.

<sup>86</sup> Ibid. 63.

<sup>87</sup> Dem. XXVII, 7-9; cf. XXVIII, 11; XXIX, 59.

<sup>88</sup> Dem. XVIII, 102-4; XXI, 154-5.

<sup>89</sup> Isocr. XV, 160; cf. Plato, *Rep.* VIII, 565a; Arist. *Pol.* V, V, 1, 5 (1304b-1305a); VI, V, 3, 5 (1320a).

Some general considerations need to be clarified. Athens, like all ancient states, relied for the enforcement of the law on the services of informers, and was obliged to reward them for convictions. Professional informers seem to have been a pest at Athens; but so they were everywhere—one has only to think of the reputation of *delatores* in imperial Rome. The state did not encourage frivolous accusations, subjecting to severe penalties an informer who failed to win a fifth of the jury's votes, or who abandoned a prosecution which he had instituted. Nor does it appear that informers were popular with juries. Defendants try to insinuate that their prosecutors are informers, and prosecutors, in their anxiety to prove they are not informers, sometimes go so far as to claim to be personal enemies, or even hereditary enemies, of the accused. Nevertheless, informers seem to have plied a busy trade, principally in blackmailing rich men who had guilty consciences or disliked facing the ordeal of public trial. This state of affairs naturally caused the propertied classes much anxiety, and perhaps caused them to exaggerate the real scope of the evil.<sup>90</sup>

Secondly, Athens, like all ancient states, lived from hand to mouth, and reckoned on the penalties inflicted by the courts as a regular source of income. It was therefore a temptation to jurors to vote in the interests of the treasury when money was short, and an informer dangled before their eyes a fat estate whose owner, he alleged, had been guilty of some serious offence. In this respect also Athens was not unique; Roman emperors short of money are alleged to have encouraged *delatores* and made good the finances by confiscation. Nor need one go so far afield as the Roman empire for a parallel. The Athenian oligarchs in the Thirty filled their treasury by condemning a number of innocuous but wealthy citizens and metics to death and seizing their property.<sup>91</sup> This situation also made the propertied classes nervous, and probably made them exaggerate the evil. There is no reason to believe that all large estates confiscated were confiscated because they were large. Rich Athenians were quite capable of cheating the treasury or betraying the interests of the state; and it is, for instance, very unlikely that a statesman of such severe probity as Lycurgus would have secured the confiscation of the huge estate—160 talents—of Diphilus, unless he had been guilty of a serious breach of the mining laws.<sup>92</sup>

There are three passages in Lysias<sup>93</sup> which allude to the abuse. In a speech written in 399 a litigant states that 'the council for the time being, when it has enough money for the administration, behaves correctly, but when it gets into difficulties it is obliged to receive impeachments and confiscate the property of the citizens and listen to the worst of the politicians'. In another speech,

<sup>90</sup> Sycophants are fully dealt with in R. J. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle*, II, Chapter iii, and J. O. Lofberg, *Sycophancy in Athens* (Chicago, 1917).

<sup>91</sup> Arist. *Ἀθ. πολ.* 35. 4; Xen. *Hell.* II, iii, 21; Lysias, XII, 5ff.

<sup>92</sup> Plutarch, *Moralia*, 843 D.

<sup>93</sup> XXX, 22; XXVII, 1; XIX, 11. There is a similar suggestion in Aristophanes, *Knights*, 1358–61.

written about ten years later, another litigant says to the jury: 'You must remember that you have often heard them [his opponents] saying, when they wanted to ruin someone unjustly, that, if you would not condemn the people they tell you to condemn, your pay will fail.' And in a third speech, delivered in 387, a man accused of detaining the confiscated estate of a relative complains: 'My defence is difficult in view of the opinion some hold about Nicophemus' estate, and the present shortage of money in the city, my case being against the treasury.' These are serious allegations, and indicate an unhealthy state of affairs. But it is to be noted that they all occur in the period following the fall of Athens, when the state was almost bankrupt, and when, despite the amnesty, feeling against the rich, many of whom had backed the Thirty, was very bitter among the mass of the citizens. I have not detected any other similar suggestion in all the later speeches, forensic or political, of the orators, except one sentence in the Fourth Philippic of Demosthenes,<sup>94</sup> when after appealing to the rich not to grudge to the poor their theoric payments, he turns to the poor, and says: 'But where does the difficulty arise? What is the trouble? It is when they see some people transferring to private fortunes the practice established for public moneys, and a speaker is great in your eyes at the moment, and immortal as far as security goes—but the secret vote is different from the open applause. This breeds distrust and anger.' This very guarded passage seems to mean that the rich suspected that the poor wished to increase their payments from public funds by confiscating private property, and that rich men who were applauded in the assembly were condemned by the secret ballot of the juries. Hypereides,<sup>95</sup> a few years later, takes pride in the disinterested justice of Athenian juries:

There is no people or king or nation in the world more magnanimous than the people of Athens. It does not abandon to their fate those of the citizens, whether individuals or classes, who are falsely accused, but goes to their rescue. In the first place when Teisis denounced the estate of Euthyrates, which was worth more than sixty talents, as being public property, and after that again promised to denounce the estate of Philip and Nausicles, alleging that they acquired their wealth from unregistered mines, the jury so far from welcoming such a speech or coveting other men's goods, promptly disfranchised the false accuser, not giving him a fifth of the votes. And again does not the recent action of the jurors last month deserve great praise? When Lysander denounced the mine of Epicrates as having been sunk within the boundaries—the mine he had been working for three years and pretty well all the richest men in the city were his partners—and Lysander promised to bring in 300 talents for the city—that is what he said they had got out of the mine—nevertheless the jury paid no attention to the accuser's promise but looked only to justice and declared the mine private.

Hypereides perhaps protests too much, but he does at least provide concrete instances when Athenian juries resisted very tempting baits.

If one may attempt to draw a general conclusion it would be that informers

<sup>94</sup> x, 44-5.

<sup>95</sup> III, 33-6.

were a nuisance to the rich at Athens, and that the Athenian courts were sometimes tempted, especially in financial crises, to increase the revenue by condemning rich defendants on insufficient evidence. Neither of these abuses was, however, peculiar to a democratic régime.

These are the main criticisms brought by the philosophers against the Athenian democracy. Some are directed against abuses which democrats agreed to be such, the overriding of the law by the executive enactments of the assembly and the spoliation of the rich by the poor, but which they claimed to be alien to the principles of democracy. In these matters the Athenian people was certainly not beyond reproach, but on the whole the charges seem to have been exaggerated, and the Athenians were probably justified in claiming that arbitrary violence of this kind was more characteristic of oligarchic régimes than of their own.

Other criticisms are on points of principle and are based on an entirely different conception of the functions of the state and an entirely different estimate of human nature. The philosophers held that the state ought to mould and train the citizens in virtue, and assumed that the average man was naturally evil or at least foolish. Political power must therefore be given to a select group of wise good men, who would impose a good way of life on the rest by a rigid system of education and control. The Athenian democrats, on the other hand, took an optimistic view of human nature, and believed that every citizen should be allowed to live his own life in his own way, within the broad limits laid down by the law, and that all citizens could be trusted to take their part in the government of the city, whether by voting and speaking in the assembly, judging in the juries, carrying on the routine administration as magistrates, or selecting the men to hold high political office. On one point the Athenians were distrustful of human nature, on its ability to resist the temptations of irresponsible power;<sup>96</sup> hence their insistence on brief terms of office, regular review of the conduct of magistrates in office, and above all a searching scrutiny of the record of magistrates on completing their term. The philosophers are strangely blind to this danger, and are content to rely on the virtue of their usually hereditary or co-optative oligarchies of wise men.

The ideals of the Athenian democracy are perhaps best summed up in a rather florid passage of the Funeral Oration attributed to Lysias.<sup>97</sup> Our ancestors, he says,

were the first and only men of that time who cast out arbitrary power and established democracy, holding that the freedom of all was the greatest concord, and sharing with one another their hopes and perils they governed themselves with free hearts, honouring the good and chastising the bad by law. They held it bestial to constrain one another by force, and the part of men to define justice by law, and to persuade

<sup>96</sup> Ἀρχὴ ἄνδρα δείξει seems to be a democratic proverb; it is attributed to Bias of Priene by Aristotle (*Ethica Nicomachea*, v, i, 16) and quoted by Demosthenes (*proem* 48).

<sup>97</sup> II, 18-19.



by reason, and serve both by action, having law as their king and reason as their teacher.

Thucydides has very little to say on the internal government of Athens; it is with the foreign and imperial policy of the democracy that he is concerned. Here he makes only one explicit charge, that of incompetence. Under Pericles when the régime was 'nominally a democracy but really government by the first citizen', Athens pursued a considered and consistent policy of husbanding her resources and undertaking no new commitments. By this policy she could, in Thucydides' opinion, have won the war. But when Pericles' unique authority was removed, 'his successors, being more on a level with one another and each struggling to gain the ascendancy, tended to surrender political decisions to the pleasure of the people'. The greatest mistake, he goes on, was the Sicilian expedition, not so much because it was 'an error of judgement in relation to its objective', but because 'those who sent it out did not give proper support to the expedition in their subsequent decisions, but in the course of their private cabals about the leadership of the people were slack in their conduct of the war and at home began to fall into intestine disorders'.<sup>98</sup>

It would be a long task to discuss whether Athens could have won the war on the purely defensive strategy which Thucydides attributes to Pericles, and whether the Sicilian expedition had a reasonable prospect of success. It may, however, be noted in passing that Thucydides' narrative does not bear out his charge that the Athenian people gave inadequate support to the expedition. It is indisputable that it was a serious blunder to risk so large a force on a distant expedition with an unconquered enemy at their gates, and that the Athenian people showed lack of judgement in succumbing to Alcibiades' eloquence. But it is hardly fair to condemn a whole régime for one blunder. Taking a longer view it cannot be said that the Athenians conducted their affairs unwisely. It took the Spartans and their Peloponnesian allies thirty years to bring to a successful conclusion a war which they had innocently hoped to win in two or three seasons, and they only won it in the end by cynically bartering 'the freedom of the Greeks', for which they were professedly fighting, to the national enemy Persia in return for subsidies. In the whole course of its history the Athenian democracy may be said to have been the most successful state in Greece. With no especial advantages except its silver mines it made itself the greatest city in the Greek world for the fifty years between the Persian and Peloponnesian Wars, and after the great defeat in 404 rapidly rose again to be one of the first-class powers, a position which it held till crushed by Macedonia with the rest of Greece. Nor were strategic and political blunders a peculiarity of democracies. It would be hard to find in Athenian history any parallel to Sparta's ineptitude after her great victory over Athens. Only political incompetence of the highest order could have

<sup>98</sup> II, 65. 7-11.

ranged in alliance against herself her two most faithful allies, Corinth and Thebes, and her and their two bitterest enemies, Argos and Athens. But to break simultaneously with the Great King and launch a crusade into Asia Minor shows utter irresponsibility. The results were disastrous to Sparta in the loss of her newly won maritime empire, the revival of Athens as a great power, and the permanent hostility of Thebes.

Thucydides' attitude is not difficult to understand. He was clearly a profound admirer of Pericles. Equally clearly he was strongly prejudiced against the type of statesman who succeeded him, notably against Cleon.<sup>99</sup> It would be out of place here to discuss Cleon's merits, though it is worth noting that later generations did not share Thucydides' low opinion of him; a wealthy Athenian in 350 B.C. is proud to claim that his mother's first husband had been Cleomedon, 'whose father Cleon, we are told, as general of your ancestors captured a large number of Spartans alive at Pylos and was the most distinguished man in the city';<sup>100</sup> but no reader can fail to note Thucydides' rancour against him. As a patriotic Athenian Thucydides was deeply distressed at his city's ruin. It was natural that in his bitterness he should be unfair to the politicians whom he hated and to the régime which had given them power.

Explicitly Thucydides blames the democracy only for its incompetent conduct of the war. Implicitly he accuses it of a cynical and brutal imperialism which, he suggests, was followed by a just retribution. This result is achieved in a variety of ways; by the choice of words in describing Athenian actions, by the selection and stressing of certain incidents in the narrative, and by the speeches put into the mouths of Athenian politicians. A good example of the first method is the language used by Thucydides to describe the Athenian reduction of Naxos, the first ally which attempted to secede—the city 'was enslaved contrary to established usage' (*παρὰ τὸ καθεστηκὸς ἐδουλώθη*).<sup>101</sup> We are not told what precisely was done to Naxos, which later appears as a normal subject city, paying a rather low tribute but with part of its territory occupied by an Athenian cleruchy. By analogy with similar cases we may infer that the Naxians had to surrender their fleet and pay tribute instead of contributing ships to the federal fleet; that the oligarchic government, which had proved disloyal to the league, was replaced by a democracy; and that the estates of the oligarchs were confiscated, later to be partitioned among Athenian settlers. The word 'enslave' is rather a sinister word to describe this, and the vague adverbial phrase suggests, without defining, moral obliquity.<sup>102</sup>

<sup>99</sup> Apart from the unfavourable notices in III, 36. 6 and IV, 21. 3 there is a note of spite in IV, 28. 5 and 39. 3 and especially in V, 16. 1.

<sup>100</sup> Dem. XL, 25.

<sup>101</sup> I, 98. 4.

<sup>102</sup> Thucydides' use of the word *δουλόω* is discussed in *The Athenian Tribute Lists*, III, pp. 155–7.

The chief example of the second method is the immense stress laid on the mass execution of the Melians by means of the long debate between the Athenians and their victims, which is immediately followed by the rash decision of the assembly to undertake the Sicilian expedition, the description of the proud armada, and the long-drawn-out agony of its utter destruction. Every reader of Thucydides is left with the impression that Athens had sinned greatly, and that retribution fell upon her; and there can be no doubt that is what Thucydides felt and wished his readers to feel.

The chief speech in which Thucydides points his moral is the famous Melian dialogue,<sup>103</sup> where the Athenian delegates brush aside all moral considerations and openly propound the doctrine that might is right. In a similar spirit Cleon in the debate on the fate of the Mitylenaeans declares that the empire is a tyranny which must be maintained by terror,<sup>104</sup> and his opponent Diodotus urges clemency purely on grounds of expediency. Other speeches of importance are that of Pericles after the second invasion of Attica, when he too proclaims the empire a tyranny,<sup>105</sup> and the defence of the empire put up by an Athenian delegate at Sparta before the opening of the war and again at Camarina during the Sicilian expedition. In both of these the empire is frankly admitted to rest on force alone. The first speaker claims that Athens may be excused for clinging to it on the grounds of prestige, profit and fear (of what she would suffer from her subjects if she relaxed her grip), and urges in mitigation of the offence that Athens used her power with moderation.<sup>106</sup> The second speaker endeavours to allay Sicilian misgivings by pointing out that while it was in Athens' interest to oppress the allies at home, in Sicily she would have no motive for doing so.<sup>107</sup>

The speeches in Thucydides are a difficult problem. He himself says that it was 'difficult for me, when I myself heard them, and for my informants in other cases, to remember exactly what was said; I have made the various characters speak as I thought they would have spoken most appropriately about the situations which arose, keeping as closely as possible to the general tenor of what was actually said'.<sup>108</sup> It is possible to interpret these words in many different ways, and to evaluate the several speeches very variously according to whether Thucydides is likely to have been present himself or to have had trustworthy informants. It is virtually impossible that he can have had any information on the Melian debate, which was held behind closed doors between the Athenian commissioners and the Melian government, who were all subsequently executed, and it must be regarded as a free composition. Thucydides was not present at Sparta or at Camarina. On the other hand, he probably listened to Pericles and to the Mitylenaeon debate.

If these speeches are intended to reproduce the actual tenor of Athenian

<sup>103</sup> v, 85-113.

<sup>105</sup> II, 63.

<sup>106</sup> I, 75-7.

<sup>104</sup> III, 37-40 (esp. 37. 2).

<sup>107</sup> VI, 82-7 (esp. 85. 1).

<sup>108</sup> I, 22. 1.

public utterances, it must be admitted that the Athenians of the fifth century not only were a very remarkable, if not unique, people in openly admitting that their policy was guided purely by selfish considerations and they had no regard for political morality, but also that they underwent a complete transformation in the fourth century, when we possess genuine speeches. In these, the Funeral Speech attributed to Lysias and the *Panegyricus* and *Panathenaicus* of Isocrates, the speakers dilate not only on the glories of their former empire, but on its high purposes. By it Athens had kept Greece free from Persian rule, and had so humbled the Great King that he had formally renounced his right to enter the Aegean. Athens had given her allies not only prosperity, but freedom, everywhere liberating them from the yoke of tyrannies and oligarchies and bestowing upon them the blessings of democracy, and they had fought by her side, not for her supremacy but for their own freedom.<sup>109</sup> The same theme is parodied by Plato in the *Menexenus*—‘we fought the Spartans at Tanagra for the freedom of the Boeotians’, ‘we won many victories in Sicily for the freedom of the Leontines’.<sup>110</sup> And in the political orations of Demosthenes in the latter part of the century an idealistic note is always struck—Athenians should everywhere champion democracy, Athens should be the leader of free Greece against the tyranny of Macedon.

It is difficult to resist the conclusion that Thucydides, in order to point his moral, put into the mouths of Athenian spokesmen what he considered to be their real sentiments, stripped of rhetorical claptrap, and that what we have in the speeches is in effect Thucydides’ own opinion of the empire. His view was that Athens was universally hated by her allies or subjects, who were held down by fear or force only, and were eager to revolt on every possible opportunity—this thesis he twice states in his own person apart from the speeches<sup>111</sup>—and that Athens was wrong in ‘enslaving’ them, by her refusal to allow them to secede from the league and by her interference in their internal government. Furthermore, that the Athenians, to enforce their tyranny (as with Mitylene) or to enlarge it (as with Melos) committed or very nearly committed acts of the grossest brutality. Let us examine the validity of Thucydides’ view.

His main thesis can be proved from his own narrative to be grossly oversimplified, and he himself gives the key to the truth in the statement which he attributes to Diodotus in the Mitylenaeen debate. ‘At present the people in all the cities is friendly to you, and either does not join in revolt with the few, or if it is compelled to do so, is immediately hostile to the rebels, and you go to war with the majority of the opposing city on your side.’<sup>112</sup> This analysis is borne out by almost every case where the story of a revolt is told in any detail. At Mitylene the ruling oligarchy (presumably the thousand odd persons who

<sup>109</sup> [Lysias], II, 55-7; Isocr. IV, 100-9, 117-20; XII, 54, 59-61, 68.

<sup>110</sup> 242a-243a.

<sup>111</sup> I, 8, 4-5; VIII, 2. 1-2.

<sup>112</sup> III, 47. 2.

were ultimately executed as being most responsible for the revolt) seceded; the people, as soon as the Spartan commandant issued arms to them, mutinied, and the city promptly surrendered.<sup>113</sup> Brasidas in Thrace had to lecture the Acanthians on their duty to accept the freedom which he offered them, and to clinch the argument by a threat to destroy their vintage.<sup>114</sup> At Torone and Mende also small cliques of conspirators admitted Brasidas, and at the latter town the people rallied to the Athenians as soon as a relieving force arrived, and were entrusted by Nicias with the punishment of their own traitors.<sup>115</sup> At Chios, even after the Sicilian disaster, the oligarchic government did not dare to break with Athens for fear of the masses till a Spartan fleet arrived.<sup>116</sup> At Rhodes, shortly afterwards, certain prominent persons intrigued with the Spartans, and the arrival of a powerful fleet 'terrified the majority, who were unaware of what was going on'.<sup>117</sup> The people of Samos, having purged their oligarchs in successive revolutions, remained faithful to Athens to the bitter end.<sup>118</sup> There were some cities where hostility to Athens was more widespread, but in general the malcontents seem to have been limited to oligarchic groups. Thucydides' estimate of public opinion was no doubt based on his contacts with men of this type, whom he would have met before his exile as visitors to Athens and during his exile intriguing with the Spartans. His own meticulously fair and accurate narrative, however, proves that his estimate was seriously at fault.

Even if this be so, however, does it remain true that, according to the accepted canons of Greek political morality, Athens acted wrongfully in refusing to allow her allies to secede, and in interfering with their internal government? All Greeks, of course, paid lip service to the principle of autonomy, but in practice powerful states did not allow it to incommode them, and public opinion did not condemn them. To judge Athens one may compare her conduct with that of the other leading state of Greece, Sparta, whose boast that her allies were autonomous is generally admitted in our sources.

When Tegea broke with Sparta and formed an alliance with Argos in about 465 the Spartans invaded her territory and defeated her at the battle of Tegea. When shortly afterwards all the Arcadian cities except Mantinea revolted, Sparta marched against them and defeated them at Dipaea.<sup>119</sup> When after the Peace of Nicias Mantinea and Elis seceded from the league and Tegea began to waver, Sparta again marched and won the battle of Mantinea; next year Mantinea returned to her allegiance.<sup>120</sup> Elis did not participate in the battle

<sup>113</sup> III, 27.

<sup>114</sup> IV, 84-8.

<sup>116</sup> VIII, 9. 2-3, 14. 1-2.

<sup>118</sup> VIII, 21, 72; Xen. *Hell.* II, ii, 6; iii, 6; Tod, *Gr. Hist. Inscr.* I<sup>2</sup>, 96; II, 97.

<sup>119</sup> Herodotus, IX, 35. 2; cf. Andrewes in *Phoenix*, VI (1952), 1-5, for the chronology.

<sup>120</sup> Thuc. V, 81. 1. It is worth noting that the Mantineaes before the battle speak of their anticipated position if they lost it (and became allies of Sparta again) as *δουλεία* (Thuc. V, 69. 1).

<sup>115</sup> IV, 110-13, 123. 1-2, 130. 2-7.

<sup>117</sup> VIII, 44. 1-2.

of Mantinea and was left alone for some years. But when Sparta's hands were free after the fall of Athens, Elis was subdued and brought to obedience again.<sup>121</sup> Sparta, in fact, did not allow her allies to secede,<sup>122</sup> and no one blamed her for reducing them to obedience if they tried to do so.

When Sparta delivered her ultimatum to Athens, 'the Spartans wish the peace to continue, and this would be so if you would leave the Greeks autonomous', Pericles replied that they would do so 'when the Spartans also restore to their cities the right to govern themselves not in Spartan interests, but as they themselves severally wish'.<sup>123</sup> In fact, both Athens and Sparta supported in their allied cities governments favourable to themselves, Athens normally favouring democracies and Sparta oligarchies. Neither usually intervened arbitrarily, but when opportunity offered—when there was a conflict in an allied city and the defeated party appealed to the leading city, or when a hostile government had revolted and been subdued—they took advantage of it.<sup>124</sup> There were a few democracies among Sparta's allies—Elis and Mantinea, for instance—and a few oligarchies among Athens', Mitylene, Chios and Samos. It is noticeable that all these cities had been consistently loyal, and had thus given their suzerains no opportunity for intervention.

Thucydides also implies that the Athenians violated the rights of the allies by suppressing the federal congress of the Delian League. 'At first', he writes, 'the allies were independent under their leadership and determined policy as the result of federal congresses'.<sup>125</sup> By contrast with Athens Pericles emphasizes the divided councils of the Peloponnesians, who all have an equal vote.<sup>126</sup> From the speech of the Mitylenaeans at the Olympia of 428, however, it would appear that as recently as 440 a Delian Congress had been held to decide what was to be done about Samos, and that the Mitylenaeans had voted for war; allusion is also made to the equal voting power of cities and to the large number of cities voting.<sup>127</sup> It would seem in fact that the constitution of the Delian League was exactly modelled on that of the Peloponnesian, where every city, great or small, had one vote,<sup>128</sup> and that the constitution was

<sup>121</sup> Xen. *Hell.* III, ii. 21ff.

<sup>122</sup> Incidentally Sparta took hostages from her Arcadian allies to insure their loyalty (Thuc. v, 61. 5).

<sup>123</sup> Thuc. I, 139. 3, 144. 2.

<sup>124</sup> For Athens the evidence is collected in G. F. Hill, *Sources for Greek History* (edd. Meiggs and Andrewes, 1951), p. 355, and in *The Athenian Tribute Lists*, III, pp. 149–54. Sparta sometimes installed or tightened oligarchies without any pretext, as at Argos and Sicyon (Thuc. v, 81. 2).

<sup>125</sup> I, 97. 1.

<sup>126</sup> I, 141. 6–7.

<sup>127</sup> III, 10–12, esp. 10. 4–5 and 11. 3–4. The chronology is studiously vague, but the Mitylenaeans are referring to a period after 449 (when Athens had 'relaxed their hostility to the Persians') and indeed to a time when the only allies on the congress still supplying ships were Chios and Lesbos, that is 440 at the earliest. The Mitylenaeans would scarcely be at such pains to excuse their submissiveness to Athens in voting for war against rebel allies unless they had done so recently in a famous case.

<sup>128</sup> I, 121. 1.

formally observed as late as 440 B.C. No Delian Congress is reported by Thucydides before the Peloponnesian War, and doubtless none was held; for no declaration of war was required from the League, since Athens was attacked by the Peloponnesians in violation of the Thirty Years' Peace.<sup>129</sup>

*De facto* the position of Athens and Sparta in their respective leagues was very different. Sparta had no overwhelming military predominance over her allies and had therefore to take some account of their sentiments and interests, particularly as there was in Corinth a potential leader of the opposition, which could, and sometimes did, sway the majority of the congress against her.<sup>130</sup> Athens from the beginning enjoyed naval predominance because many of the allies subscribed not ships but money, which in effect subsidized the Athenian fleet, and as more and more allies either commuted to money for their own convenience, or were compelled to do so after revolt, Athenian ascendancy became overwhelming. The Delian Congress therefore tended to ratify Athenian decisions automatically, particularly as the naval allies did not show the independent spirit of Corinth; even as late as 440 B.C., if Chios and the Lesbian cities had stood up for Samos, they could, with about 200 ships between them, have given Athens pause.<sup>131</sup>

Athens in this position undoubtedly kept a tighter rein on her allies, notably in concentrating criminal jurisdiction in her own hands and thus making sure that her friends in the allied cities were protected and her enemies suffered.<sup>132</sup> She also exploited her allies more openly, especially in using a part of the federal reserve fund to rebuild her own temples and in apportioning to her own citizens land forfeited by rebellious allied communities or individuals. Sparta had no temptation or opportunity to do the like, but she used her allies for her own purposes, above all to protect her against Helot revolts.<sup>133</sup> Both Sparta and Athens, despite their rival protestation that they stood for the autonomy of the Hellenes or liberty and democracy, in fact used their leagues to secure their own political supremacy. The Peloponnesian League was on the whole satisfactory to the oligarchic governments of its member states, the Delian to the people in the allied cities.

On the score of brutality no one will wish to defend the decision—happily

<sup>129</sup> The Spartans later had a guilty conscience about this (Thuc. vii, 18. 2).

<sup>130</sup> As in 440, when Corinth persuaded the Peloponnesian congress not to make war on Athens (Thuc. i, 40. 5). The initiative in this earlier proposal to violate the Thirty Years' Peace must have come from Sparta, since she alone could summon a league congress, and naturally only did so when she approved the proposal to be debated.

<sup>131</sup> Samos herself had 70 ships in 440 (Thuc. i, 116.1), and Lesbos and Chios provided 45 to assist Athens against her (i, 116. 2, 117. 2). This was far from their full strength, for Chios in 411, after losses in the Sicilian expedition (vi, 43; vii, 20. 2), had 60 ships left (viii, 6. 4).

<sup>132</sup> As the 'Old Oligarch' explains ([Xen.] *'Aθ. πολ.* i, 14-16). For an Athenian defence of the system see Thuc. i, 77; Isocrates, iv, 113; xii, 60.

<sup>133</sup> The clause in the alliance between Sparta and Athens, *ἦν δὲ ἡ δουλεία ἐπανιστήται ἐπικουρεῖν Ἀθηναίους Λακεδαιμονίοις*, appears to have been standard, seeing that Sparta was able to call up all her allies in the great revolt of 463 (Thuc. i, 102. 1; cf. ii, 27. 2 for Aegina, iii, 54. 5 for Plataea and Xen. *Hell.* v, ii, 3 for Mantinea).

reversed the next day—to massacre the whole adult population of Mitylene, nor the execution of the Melians, or of the Scionaeans (which Thucydides dismisses without comment). It must, however, be said that in neither of the two cases which he treats in detail is Thucydides quite fair. In the speeches which he reports he represents the repeal of the Mitylenaeen decision as a prudential measure only; whereas he records that the second debate was held because ‘on the next day they immediately had a change of heart and reflected that this decision, to destroy a whole city instead of the guilty parties, was a great barbarity’.<sup>134</sup> In the Melian dialogue Thucydides implies that Melos was an unoffending neutral, which Athens found it convenient to subdue. In point of fact Melos had been a non-belligerent ally of Sparta since the beginning of the war, subscribing to her war fund and sheltering her fleet in 427,<sup>135</sup> and Athens had, not unnaturally, been at war with the Melians since 426.<sup>136</sup>

Here also Athens was not exceptional, nor did she lead the way. The Spartans set the example by the even more gratuitous massacre of the Plataeans. The Mitylenaeans and Scionaeans were at least in Athenian eyes traitors, allies who had broken their oaths, and the Melians had assisted their enemies. The Plataeans had been guilty of defending their own city when treacherously attacked by Thebes in time of peace. The only question which the Spartan judges put to them was ‘whether they had done any good to the Spartans and their allies during the war’; they were in fact condemned simply for being on the other side.<sup>137</sup>

The Athenians, in fact, can only be condemned, if they are judged by much more lofty standards than were normally applied to international relations. Why did Thucydides take so uncharitable a view of his native city? His attitude was partly due to a misconception of public feeling natural to a man of his class, particularly when he had for many years lived in exile in oligarchic circles. He appears to have really believed that the Athenians were hated by their allies, whereas the Peloponnesian League was a free association of cities. But his attitude was also probably due to a deep-seated and perhaps unconscious desire to find a moral justification for the fall of Athens. It was not enough to say that it was due to the folly of the democratic politicians whom he so much disliked. It must have been deserved. Athens had suffered grievously; this could not have been so if she had not sinned greatly.

The opinions of Thucydides, Plato and Aristotle have naturally carried great weight, and so, curiously enough, have those of Isocrates. In the

<sup>134</sup> III, 36. 4.

<sup>135</sup> This emerges from Tod, *Gr. Hist. Inscr.* 1, 62. The subscriptions were evidently collected by the Spartan admiral Alcidas (see F. E. Adcock, ‘Alcidas ἀργυρολόγος’ in *Mélanges Glotz*, 1, 1–6) who seems to have called twice at Melos, on his way out and on his way back—hence the two Melian subscriptions recorded.

<sup>136</sup> Thuc. III, 91. 1–2.

<sup>137</sup> Thuc. III, 52. 4, 68. 1–2.



absence of any coherent statement of the democratic case, most modern historians have rather uncritically accepted the oligarchic view of Athens, and condemned what Aristotle calls the 'extreme democracy'.<sup>138</sup> In this article I have endeavoured to reconstruct the theory of government in which democrats believed and to assess the merits and defects of the Athenian democracy in the conduct of home affairs and of foreign and imperial policy. My readers can judge whether the 'extreme democracy', in which the people was sovereign, and vulgar persons who worked with their hands enjoyed full political rights, including access to all offices, and owing to their greater numbers preponderated in the assembly; was indeed so pernicious a form of government as Athenian philosophers and historians represent.

<sup>138</sup> The phrase is used in *Pol.* III, iv, 12 (1277b); IV, xii, 3 (1296b); IV, xiv, 7 (1298a); V, x, 30, 35 (1312b); V, xi, 11 (1313b); VI, v, 5 (1320a). From the first three passages it appears that Aristotle considered a democracy 'extreme' when working people are in a majority and can hold office, and the people is sovereign.



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# THE ECONOMIC HISTORY REVIEW

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## INFLATION UNDER THE ROMAN EMPIRE<sup>1</sup>

By A. H. M. JONES

FOR the benefit of readers not familiar with the ancient world it may be as well to state such basic facts about the economic structure of the Roman Empire as are relevant to a discussion of the currency. By and large the Empire formed a closed economy. External trade was mainly in luxury articles and cannot have been of significant proportions. There was some export of gold and silver coin by way of subsidies to neighbouring barbarian tribes, especially in northern Europe, and owing to an unfavourable balance of trade with some areas, particularly with India; but hardly on a scale to deplete the stock of precious metals in the Empire. It is extremely difficult to estimate the volume of production of gold and silver, but it does not seem to have been very high, nor to have

<sup>1</sup> From the abundant literature which has grown up around the problems of currency and inflation in the Roman Empire I have found the following the most useful (though I disagree with many of their conclusions): A. Segrè, 'Inflation and its implications in early Byzantine times', *Byzantion*, xv (1941), 249-79; G. Mickwitz, *Geld und Wirtschaft im römischen Reich des vierten Jhdts n. Chr.* (Helsingfors, 1931), and *Die Systeme des römischen Silbergeldes im IV. Jhd. n. Chr.* (Helsingfors, 1932); L. C. West and A. C. Johnson, *Currency in Roman and Byzantine Egypt* (Princeton, 1944); H. Mattingly, 'The monetary systems of the Roman Empire from Diocletian to Theodosius I', *Num. Chron.* vi, vi (1946), 111-20.

I am not a numismatist and for information about the actual coins I have relied on the standard works on Roman coinage, such as Mattingly and Sydenham's *Roman Imperial Coinage* and the relevant British Museum Catalogues of Coins, together with the books and articles cited above. Two numismatists who are experts on the period, Dr Mattingly (mainly for the earlier half) and Mr Grierson (mainly for the later half), have been kind enough to read the manuscript and have corrected some numismatic errors of which I had been guilty, and in general most generously put their expert knowledge at my disposal. I am most grateful for their help, but they cannot of course be held responsible for any factual errors which may have survived their scrutiny, still less for my theories.

varied greatly from period to period. Only one important change is worthy of record, the acquisition by Trajan's conquest of Dacia of a large hoard of gold and of the Transylvanian gold mines, which remained in the possession of the Empire till 270. All mines were imperial property, and newly produced gold and silver was therefore directly available for minting. It is, on the whole, probable that the Empire's stock of the precious metals would remain fairly constant, new production being balanced by wastage and export.

For two centuries the Roman Empire successfully operated a bimetallic currency. Under Augustus the standard silver coin, the denarius, was struck at 84 to the pound, the standard gold coin, the aureus, at 40-42 to the pound, and 25 denarii went to one aureus.<sup>1</sup> About A.D. 64 Nero slightly debased the denarius, raising the percentage of base metal to about 10 per cent and reduced the weight of both coins, the denarius to one ninety-sixth of a pound, the aureus to one forty-fifth. He thus maintained approximately the same ratio between them, and the 25:1 relation remained unchanged.<sup>2</sup> Trajan again slightly debased the denarius, reducing its silver content from 90 per cent to 85 per cent, but this change did not upset the 25:1 relation; the fact that the same emperor put large quantities of gold, the captured hoard of the Dacian kingdom, into circulation, no doubt slightly lowered the price of gold and thus counteracted the debasement of the denarius.<sup>3</sup>

It is clear that the denarius was regarded as the standard coin. Accounts, public and private, were kept in denarii or in sesterces (quarter denarii), which, though no longer issued in silver, remained a unit of account. Most transactions of ordinary life must have been conducted in the denarius and its bronze and copper subdivisions, since the aureus was too valuable a coin to come much into daily use. The gross annual pay of a Roman soldier, for instance, during the first century of the Empire, was 225 denarii, paid in three instalments of 75 denarii each: Domitian added a fourth instalment, thus raising the total to 300. From this, deductions were made for rations, uniform, etc., which in the pay-sheets of two legionaries at Alexandria in A.D. 83-4, totalled 130-140 denarii. A Roman

<sup>1</sup> I express the weight of coins in this way because the Romans did so—e.g. Pliny, *H.N.* xxxiii, 47: 'postea placuit \* XL signari ex auri libris, paulatimque principes imminuere pondus, et novissime Nero ad XLV'; *Cod. Theod.* xv, ix, 1: 'nec maiorem argenteum nummum fas sit expendere quam qui formari solet cum argenti libra una in argenteos sexaginta dividitur'. Cf. p. 298, n. 4 and 5. The practice of the mint was no doubt to hand over to the moneyers a pound ingot, and demand delivery of the proper number of coins. Thus the theoretical weight of a Roman coin should always work out as an integral fraction of a pound.

<sup>2</sup> Compare Tac. *Hist.* i, 24 with Suet. *Otho*, 4, 2 and Plut. *Galba*, 20, where 100 sesterces is equated with 1 aureus; Lucian, *Pseudolog.* 30; Cassius Dio, lv, 12, 4.

<sup>3</sup> Mickwitz, *op. cit.* p. 32, following Heichelheim, considers that Trajan deliberately debased the denarius to adjust it to the lower price of gold. I find it difficult to believe that he (or his *procurator monetae*) was capable of such subtlety of economic thought, and think that Trajan debased the denarius to cover his heavy war expenses, and that the windfall of Dacian gold fortuitously lowered the price of gold soon after.

private was most unlikely to handle an aureus, nine (or later, twelve) of which would have covered his gross pay for the year.<sup>1</sup>

In order to estimate the purchasing power of Roman coins over any length of time it is unfortunately necessary to rely on the price of one commodity only, wheat. Wheat is not an ideal commodity, since it was liable to violent seasonal fluctuations and local variations in price. The Roman Empire apparently produced barely enough for its needs and carried no reserves, so that a bad season would send prices rocketing till the next harvest brought them down to normal. Transport by land was moreover so expensive that it was scarcely ever economic to move a bulky load like corn more than one or two days' journey, and thus one city might be paying famine prices while conditions in another were normal, and in large inland towns which had regularly to draw their supplies from a distance prices were substantially higher than elsewhere. However, wheat figures have certain advantages. Wheat was the staple diet of the vast majority of the people, and far and away the largest item in their food bill. In the second place it had no variations of quality such as bedevil any attempt to use the prices of wine, oil or meat. And thirdly its prices are quoted in relation to measures of capacity which are more or less uniform. The official modius, to which most of our prices refer, was equivalent to nine-tenths of a peck. The only other unit which comes into question, the Egyptian artaba, was for official Roman purposes equated with  $3\frac{1}{3}$  modii.

In the reign of Domitian the governor of Galatia was asked to intervene at Antioch in Pisidia, where there was a famine, and it was complained that landowners were holding up stocks for yet higher prices. He found on investigation that the modius of wheat had normally sold at 8 or 9 asses ( $\frac{1}{2}$  to  $\frac{9}{16}$  denarii), and ordered all citizens and residents to sell their surplus stocks to the civic authorities at 1 denarius.<sup>2</sup> What few other prices we possess from the first two centuries of the Empire accord with these figures. A number of Egyptian prices given in the papyri yield an average of 7.13 drachmae to the artaba:<sup>3</sup> four Egyptian drachmae were worth one denarius, so the price works out at slightly over half a denarius to the modius. From a rather earlier date (70 B.C.) Cicero cites a number of wheat prices from Sicily; he regards  $2\frac{1}{2}$  sesterces ( $\frac{5}{8}$  denarius) as a normal price,<sup>4</sup> 2 sesterces as cheap,<sup>5</sup> 3 sesterces as dear.<sup>6</sup> Finally, from Italy there is a second-century inscription which records the gratitude of a city to a local worthy for selling wheat in a shortage at one denarius the modius.<sup>7</sup>

<sup>1</sup> See H. M. D. Parker, *The Roman Legions* (Oxford, 1928), pp. 214ff.

<sup>2</sup> *J.R.S.* xiv (1924), 180.

<sup>3</sup> G. Mickwitz, *Aegyptus*, xiii (1933), pp. 95ff. It is at first sight rather surprising that prices in Egypt, which produced a large wheat surplus, should be the same as elsewhere in the Empire, but it must be remembered that a large proportion of the crop was taken in kind by the government and exported.

<sup>4</sup> *Cic. II in Verr.* iii, 84, 90, 173-4. Cicero quotes prices in sesterces (4 to the denarius) to the medimnus (=6 modii).

<sup>5</sup> *Ibid.* 174.

<sup>6</sup> *Ibid.* 191.

<sup>7</sup> *C.I.L.* xi, 6117.

This price then would seem to have been regarded as a 'just price' in famine conditions. The normal price was half a denarius or a little more.

The Roman fiscal system was very rigid. The main source of revenue was the *tributum*, assessed on property in the provinces. This was supplemented by *ad valorem* customs duties, and a 5 per cent succession duty paid by Roman citizens. All these taxes were at fixed rates, and the total revenue cannot have varied greatly from year to year. It seems to have met annual expenditure but allowed for no surplus, and could only with very great difficulty be increased to meet additional charges.<sup>1</sup> When the State incurred additional expenditure, as for instance during wars, the government was compelled to sell public property, to confiscate private property (by encouraging informers to lay capital charges against wealthy persons and securing their conviction),<sup>2</sup> or to debase the currency. Marcus Aurelius sought to relieve the financial stringency caused by his long wars by the first method,<sup>3</sup> but also had to resort to the third. Septimius Severus, who increased annual expenditure by raising the pay of the troops,<sup>4</sup> made ruthless use of the second method<sup>5</sup> but again had to use the third also. Caracalla again raised the pay of the troops (by 50 per cent).<sup>6</sup> He resorted to confiscations on a large scale, and also made the one recorded attempt to raise the regular revenue, by making all free inhabitants of the Empire Roman citizens and thus liable to the succession duty, whose rate he doubled.<sup>7</sup> The original rate was restored five years later by his successor, Macrinus.<sup>8</sup> But despite confiscations and increased taxation Caracalla was obliged to continue the debasement of the currency.

It was the denarius only that was debased. In Marcus's reign the silver content of the denarius sank to 75 per cent, in Severus's to 50 per cent. Caracalla issued a new coin, about  $1\frac{1}{2}$  times the size of the denarius, which was probably tarified at 2 denarii; this coin has been dubbed, on rather slender grounds, the Antoninianus.<sup>9</sup> Meanwhile, the aureus was still issued at its original purity and weight (45 to the pound) until Caracalla, who slightly reduced it (to about 50 to the pound). The reason for this curious inconsistency was probably that the great mass of the expenditure, notably the pay of the troops, had to be made in denarii, whereas there was no pressing

<sup>1</sup> Only one emperor is recorded to have increased the rate of *tributum*: Vespasian (Suet. *Vesp.* 16). The rigidity of the Roman fiscal system is strikingly demonstrated by S. L. Wallace, *Taxation in Egypt* (Princeton, 1938), which shows from receipts on ostraka and papyri that, with one or two insignificant exceptions, taxes continued throughout the inflationary period to be collected at the same rates.

<sup>2</sup> This charge is brought against most 'bad' emperors, e.g. Nero (Suet. *Nero*, 32) and Domitian (Suet. *Dom.* 12; Pliny, *Paneg.* 42), as well as those cited below.

<sup>3</sup> *Hist. Aug., Ant. Phil.*, 17. The same measure is recorded of Trajan (Pliny, *Paneg.* 50).

<sup>4</sup> Herodian, III, viii, 5.

<sup>5</sup> *Hist. Aug., Severus*, 12-13.

<sup>6</sup> Herodian, IV, iv, 7.

<sup>7</sup> Cassius Dio, LXXVIII, 9.4-5.

<sup>8</sup> Cassius Dio, LXXIX, 12.2.

<sup>9</sup> There is no evidence what value was put on this coin, but there would have been no object in issuing it except to increase the number of denarii that could be got out of a pound of silver; I take it therefore that it was worth 2 denarii.

reason to debase the aureus. Cassius Dio, writing late in Severus's or early in Caracalla's reign, still speaks of the aureus as worth 25 denarii.<sup>1</sup> The emperors may have hoped, at first at any rate, that the debasement of the denarius would pass unnoticed, or may have thought to maintain its value by keeping it at 25 to a still undebased aureus. This can only have been an official rate. The number of denarii circulating in the Empire must have increased considerably as a result of the successive debasements, and prices, including that of gold, must have increased substantially. Although custom would have maintained the 25:1 ratio for a while, it is hardly credible that by Dio's time there was not a black market in aurei. This is implied by an inscription dating from shortly after Caracalla's death,<sup>2</sup> which records that a military tribune in recognition of special merit was rewarded by receiving his salary of 25,000 sesterces in gold: he would presumably have been paid in aurei (at the official rate of 100 sesterces to the aureus), which he could change at great profit into denarii at black market rates. Even as an official rate, the 25:1 ratio can have had little meaning. For the government would not, except in such special cases as that mentioned above, pay out good gold when it could pay in bad silver; and indeed Dio complains that Caracalla used his gold to pay subsidies to barbarians (who, as hoards prove, refused the debased denarius and Antoninianus) and fobbed off his subjects with debased silver.<sup>3</sup> On the other hand, no citizen would pay his taxes in aurei, when he could pay them in bad silver. The government could only obtain gold through the levy of *aurum coronarium*. This was a nominally freewill offering, originally of gold crowns, but by this date of bullion, made to the emperor by the cities of the Empire on such auspicious occasions as his accession, or a triumph. Dio complains that Caracalla was continually reporting victories to serve as an excuse for a levy.<sup>4</sup>

For the next fifty years the Antoninianus, which from the middle of the century completely superseded the denarius, went from bad to worse, until it contained less than 5 per cent of silver, as well as being substantially reduced in weight. Eventually Aurelian carried through some reform of the coinage. In place of the many issues of variable weights then current he minted two series of silver-plated copper coins, the larger labelled xx.1 or xxi or xx (in Greek ΚΑ) and the smaller vsv. The meaning of these symbols is unfortunately unknown, but it is probable that the reform was inflationary in tendency: it is therefore a plausible suggestion that xx.1 means that the one new coin is equivalent to twenty old units. The interpretation of vsv is even more uncertain. It has been suggested that it means that the half (s) coin is worth ten (vv representing 5 + 5) units, but this seems very unnatural. A more plausible explanation is that it means vsVALIS, the regular or normal coin. The meaning then may be that the small coin was tarified as an Antoninianus (by now the standard coin). In which case the

<sup>1</sup> Cassius Dio, LV, 12.4.

<sup>2</sup> C.I.L. XIII, 3162.

<sup>3</sup> Dio (LXXVIII, 14.3-4) actually says 'spurious silver and gold', but as Caracalla issued perfectly good gold, the last words must be a rhetorical flourish.

<sup>4</sup> Cassius Dio, LXXVIII, 9.2.

larger coin was probably worth 20 sesterces or 5 denarii. This easy way of increasing the nominal value of coins, once discovered, was naturally resorted to again. There is evidence that about thirty years later the large piece, which was known as the nummus, was tarified at 25 denarii.<sup>1</sup> Gold issues became sporadic and rare, and were moreover minted at variable weights. It is probable that the gold coins were used only to distribute as donatives to the troops on accessions and other festive occasions, the gold being obtained through simultaneous levies of *aurum coronarium*. For practical purposes it would seem that gold went out of circulation, being converted into plate and jewellery.<sup>2</sup> Prices as reckoned in debased denarii naturally rose. The proceeds of taxation, in so far as it was *ad valorem*, would have risen concurrently, but the *tributum*, which formed the bulk of the revenue, appears to have remained fixed at its pre-inflation figure. The government was thus unable to go on increasing its expenditure, especially military pay, in proportion to the rising cost of living. The soldiers had to be fed and clothed. The solution eventually reached was that the government requisitioned (without payment) the wheat, meat, wine, oil, textiles and leather needed to feed and clothe the troops, and issued them free. It seems unlikely that this result was achieved at one stroke.<sup>3</sup> Supplies for the army had always been obtained by compulsory purchase at prices which were often below market rates. The first step was doubtless to continue paying the same rates, despite the rise in prices. The soldier similarly had always drawn his rations, uniform and equipment against deductions from pay. Here again the deductions could be frozen at pre-inflation figures. Eventually, when owing to the rise in prices the payment had become nugatory, supplies were requisitioned outright, while the troops were entitled to rations, uniforms and arms, issued in kind, plus a small sum by way of money pay. The effect of this development would have been, by eliminating the currency from a large and important range of transactions, to increase the inflationary tendency.

Diocletian endeavoured to restore a silver and gold currency. He issued a pure silver coin at 96 to the pound.<sup>4</sup> Its name is unknown, but as it was of the same weight and purity as the old pre-inflationary denarius, it may have been called the *denarius argenteus*: this is suggested by the fact that the debased denarius is called in Diocletian's Edict of Prices the *denarius communis*. Gold coins were issued at 70, and later 60, to the pound.<sup>5</sup> It is not known at what rate they were intended to exchange with the silver:

<sup>1</sup> See below, p. 299, n. 2.

<sup>2</sup> Mickwitz, *Geld und Wirtschaft*, pp. 65–6, tries to prove that gold continued in circulation in this century, but fails to explain why the hoards of the inflationary period contain practically no gold.

<sup>3</sup> Van Berchem, *L'Année militaire (Mém. Soc. Nat. Ant. de France, 1937, pp. 117ff.)*, argues for the abrupt introduction of requisition without payment and free issue by Septimius Severus. I have expressed doubts of this thesis in my *Greek City*, pp. 329–30, nn. 94–5.

<sup>4</sup> These coins are marked xcvi, so that there is no doubt of their theoretical weight.

<sup>5</sup> These coins are marked o (70) and æ (60).



at the very unusual relation of the two precious metals prevailing at the time, about ten argentii would have gone to one aureus.<sup>1</sup> Both the silver and the gold issues are excessively rare, and it is difficult to see how Diocletian could have found the metal to make large issues. The government's stock of gold had long vanished into private hoards, and its stock of silver had either been similarly lost or was dissipated in giving a small silver content to the vast quantities of debased denarii. It is clear from the Edict of Prices that the *denarius communis* remained the staple coin. Diocletian deflated the denarius by ordering that the current nummi (xx.1 pieces), which were by then tariffed at 25 denarii, should be reduced in value by half, and by issuing a new and much heavier silver-washed copper coin, also somewhat enigmatically marked xx.1 and called the nummus, to represent 25 denarii.<sup>2</sup>

The Edict<sup>3</sup> gives an immense list of prices, but only two are of interest for our present purposes. Wheat is tariffed at 100 denarii the modius,<sup>4</sup> and gold, in bar or in coins, at 50,000 denarii the pound.<sup>5</sup> Now it is clear from the preamble that Diocletian was endeavouring to fix normal prices, and we are told by a contemporary, Lactantius,<sup>6</sup> that the effect of the Edict was to drive goods off the market. The prices were therefore probably below current market level. The figure of 100 denarii is therefore comparable with the low average price of the first and second centuries, half a denarius. The price of wheat had then gone up about 200 times in a century and a half. The price of gold in the second century was 1,125 denarii to the pound (25 denarii to the aureus, of which 45 went to the pound). Gold therefore in the same period had risen only about 45 times.

The figure for silver in the Edict does not survive, but a papyrus of six years later (307)<sup>7</sup> shows that in an official transaction it was then valued at 8,328 denarii the pound, that is 86 times the second-century price of 96 denarii to the pound. Silver thus rose less than half as much as wheat,

<sup>1</sup> The aureus, at 60 to the pound of gold, would be worth 833 (50,000/60) denarii communes. The price of silver six years later than the Edict was 8,328 denarii the pound (see p. 298, n. 3): the argenteus, at 96 to the pound, would therefore be worth  $86\frac{1}{2}$  denarii.

<sup>2</sup> This appears to emerge, as Segrè has divined in *Byzantion*, xv, pp. 252-5, from a combination of *P. Oslo*, III, 83; *P.S.I.* 965; and *P. Ryl.* IV, 607. See also Additional Note.

<sup>3</sup> Diocletian's Edict is most conveniently consulted in Tenney Frank, *Economic Survey of Ancient Rome* (Baltimore, 1940), vol. v, Appendix.

<sup>4</sup> *Ed. Diocl.* I, 1. The *modius castrensis*, the unit of capacity generally used in the Edict, has at last been proved by Segrè (*Byzantion*, xv, p. 277), from a papyrus published by Boak (*Harvard Studies in Classical Philology*, LI, no. 4), to be none other than the ordinary modius, of which  $3\frac{1}{3}$  (nearly) went to the artaba.

<sup>5</sup> *Ed. Diocl.* xxx, 1. Mattingly's conjecture (*Num. Chron.* (1946), p. 113) that the figure on the stone (E) had been misread and should be restored as 10,000 (A) has been disproved on reinspection; the figure, though mutilated, is undoubtedly E. It remains a puzzle why χρυσός ἐνηγμένος in the next line should be valued at only 12,000 denarii. It is possible that one or other figure is an engraver's error, but more probably χρυσός ἐνηγμένος is a trade term for some inferior alloy.

<sup>6</sup> *de mortibus persecutorum*, vii, 6.

<sup>7</sup> *P.S.I.* 310.

but twice as much as gold, so that the gold:silver ratio stood at 1:6 instead of 1:11 $\frac{3}{4}$ .

Some scholars have endeavoured to extract from these figures a gold price index for wheat. In the early Empire, they argue, a pound of gold would buy 2,250 modii; under Diocletian it would buy only 500 modii. These facts are incontrovertible, but the implication that the real price of wheat had gone up fourfold or fivefold is false. For the Roman Empire was not on the gold standard: in it gold was a commodity whose price expressed in the normal currency, the denarius, might vary like that of wheat.

Agricultural production had undoubtedly declined since the second century: there are constant complaints of previously productive lands being left uncultivated. The decrease in the quantity of wheat produced would thus be one factor in the rise of wheat prices. But it is clearly less important than the enormous increase in currency. Moreover, by Diocletian's time a very large proportion of the State's requirements were levied and distributed in kind, thus limiting the circulation of the coinage for the most part to private transactions. It is unfortunately impossible to evaluate the relative importance of these three factors. It is, however, suggestive that the silver content of a Neronian denarius was rather over 3 grains and that of a Diocletianic 25-denarius piece rather under  $\frac{1}{2}$  grain. The same quantity of silver which went to a denarius before the inflation could produce coins to the face value of 150 denarii. This is not to say that 150 times as many (nominal) denarii were circulating in Diocletian's reign as in the second century, for large quantities of silver must have vanished into hoards.

It may be asked why in the circumstances the price of gold rose only 45 times. I can only suggest that the price of gold in the first two centuries was enhanced by the fact that a considerable proportion of the gold stock of the Empire was absorbed in the currency. When in the third century gold was virtually demonetized, and used for plate and jewellery only, its value would have sunk, and Diocletian's tentative attempt to recreate a gold currency was on too small a scale to affect the position.

The same consideration would apply in a modified degree to silver. Much of the pure silver coinage would have been withdrawn from the currency in the inflationary period, thus increasing the stock available for plate and other luxury uses, but the debased coinage still continued to absorb a considerable quantity. Hence silver sank in real price only half as much as gold.

After Diocletian's abdication in 305 his successors continued to issue gold and silver coins. From Egypt we have some evidence of how they obtained the necessary bullion. In A.D. 306 and 307 Maximin was imposing a surcharge of silver (which was paid partly in gold coin) on the wheat tax at the rate of 1 $\frac{1}{2}$  oz. to 100 artabae,<sup>1</sup> and a similar surcharge

<sup>1</sup> *P. Oxy.* 1653, *P. Merton*, 31, *P. Cairo*, 57049 (*Chron. d'Egypte*, 1952, p. 247).

appears again in 311 (payable in gold and silver).<sup>1</sup> Licinius also made compulsory purchases of gold from the cities—the allotment of Oxyrhynchus was 38 lb.<sup>2</sup> These measures, together with a renewed depreciation of the denarius (Diocletian's 25-denarius piece had by the early 320's sunk to less than a third of its original weight), sent the price of gold up steeply. In the compulsory purchase order the price fixed by the government is 100,000 denarii the pound, twice the rate fixed in the Edict. And by 324, when Egypt fell to Constantine, the pound of gold had reached over 300,000 denarii.<sup>3</sup>

Constantine from the beginning of his reign began to issue the solidus, a gold coin struck at 72 to the pound, which was to remain unchanged for seven centuries. The number 72 was evidently chosen so that fractions of the pound, which was divided into 12 ounces of 24 scruples, could be readily made up in solidi, which each weighed 4 scruples. The solidus was theoretically divided into 24 siliquae (in Greek, carats, *κεράτια*), but no gold coins were ever issued below the semissis (12 siliquae) and tremissis (8 siliquae). The solidus, it may be noted, was not in the full sense of the word a coin. Issued by the government to effect payments, it was decreed to be worth  $\frac{1}{72}$  lb., and the emperors insisted that in private circulation solidi, unless clipped, should be accepted at their face value.<sup>4</sup> But taxes and fines were reckoned in gold bullion, and if 72 solidi did not make up a pound, they had to be supplemented. Valentinian and Valens even insisted that solidi collected in taxes must be melted down into bullion bars, whose weight and purity could be readily checked, before transmission to the treasury.<sup>5</sup> One of the factors which kept the solidus up to standard was no doubt the constant reminting which this procedure entailed. It is clear also that the public did not, at first at any rate, regard solidi as money in the ordinary sense. *Pecunia* in fourth-century Latin means debased denarii in contrast to *aurum* and *argentum*,<sup>6</sup> and people spoke of buying and selling solidi when they changed denarii for solidi or

<sup>1</sup> *P. Theod.* 33.

<sup>2</sup> *P. Oxy.* 2106. It is unfortunately impossible to date this document precisely. From the fact that Augusti and Caesars are mentioned both in the plural, it must fall either in the latter part of Diocletian's reign (293–305) or in the immediately following period (305–8) or in the latter part of Licinius's reign (317–24). It seems unlikely that Diocletian would have abandoned the price he had fixed for gold in the Edict of 301 during the next four years. On his abdication Oriens (including Egypt) came under the rule of the Caesar Maximin, while Asia Minor was ruled by Galerius Augustus. In the document the gold bought in Egypt is to be delivered at Nicomedia, and it seems improbable, however cordial their relations, that Maximin would have allowed Galerius to extract gold from his territory. The emperor in question is therefore probably Licinius, who normally resided at Nicomedia and ruled the whole of the eastern half of the Empire.

<sup>3</sup> *P. Oxy.* 1430.

<sup>4</sup> *Cod. Theod.* ix, xxii, 1 (343).

<sup>5</sup> *Cod. Theod.* xii, vi, 12 (366), 13 (367).

<sup>6</sup> E.g. Augustine, *Sermo* 127.3: 'ad aliquid ergo magnum et pretiosum comparandum parares aurum vel argentum vel pecuniam vel fructus aliquos pecorum aut frugum qui in tua possessione nascerentur'.

vice versa.<sup>1</sup> The solidus was primarily a gold unit for the use of that department of the imperial treasury (the *sacrae largitiones*) which dealt with levies and issues in the precious metals.

Constantine and his successors also issued silver on a considerable scale down to the end of the fourth century. The coins, to judge by the surviving specimens, were struck at a bewildering variety of weights, and it remains an unsolved problem what names the various pieces bore, and what relation they were supposed to bear to the solidus or to the *denarius communis*. It is on the whole probable that gold and silver exchanged at a fluctuating rate corresponding with the relative values of the two metals. The government, when it accepted gold in lieu of silver due in taxes or fines, demanded 4 or 5 solidi to the pound, varying the rate quite arbitrarily, it would seem. In a document which probably dates from the latter part of Constantine's reign silver is commuted at an official rate of 4 solidi to the pound. In a constitution dated 397 the treasury accepts five solidi in lieu of 1 lb. silver. A constitution of 422 permits a payment of 4 solidi for 1 lb. silver. But Justinian in 528 reproduces the constitution of 397 in his Code.<sup>2</sup> In the circumstances a bimetallic currency can hardly have existed, and in fact the ancient sources, on the rare occasions when they speak of gold and silver in the same transaction, specify the quantity of each separately without any attempt to reduce them to a common basis.<sup>3</sup>

Nor does there seem to have been any fixed relation between the gold coinage and denarii. The price of gold laid down in Diocletian's Edict evidently does not envisage any regular relation, for by it the aureus (at 60 to the pound) would be worth  $833\frac{1}{3}$  denarii. During the next twenty years, as we have seen, the price of gold rose in denarii according to market conditions. A report of Symmachus, Prefect of the City, to Valentinian II in 384-5 makes the situation clear. He is writing on behalf of the *collectarii* or money-changers, a corporation among whose duties it was to buy solidi for the government. Gratian (375-83) had fixed a price, reasonable at the time, at which the government reimbursed the *collectarii* for the solidi they supplied, but, Symmachus explains, the price of the solidus had, owing to the rise in gold, gone up on the open market, and the *collectarii* were now losing on the transaction.<sup>4</sup>

<sup>1</sup> E.g. *Cod. Theod.* ix, xxii, 1 (343): 'omnes solidi, in quibus nostri vultus [ac] veneratio una est, uno pretio aestimandi sunt atque vendendi'; xii, vii, 2 (363): 'emptio venditioque solidorum'; Symmachus, *Relatio* 29: 'vendendis solidis. . . collectariorum corpus obnoxium est'; Augustine, *Sermo* 389.3: 'cum solidum ut assolet vendidisset centum folles ex pretio solidi pauperibus iussit erogari'; Val. *Nov.* xvi (445); *Anon. de Rebus Bellicis*, iii, 1.

<sup>2</sup> *S.B.* 6086; *Cod. Theod.* xiii, ii, 1; viii, iv, 27; *Cod. Just.* x, lxxviii, 1.

<sup>3</sup> The accession donative is regularly stated to be 5 solidi and 1 lb. silver for each man (see p. 311, n. 4). The cost of Leo's Vandal expedition was 65,000 lb. gold plus 700,000 lb. silver according to John Lydus (*de mag.* iii, 43), 47,000 lb. gold from the Praetorian Prefect's treasury and 17,000 lb. gold plus 700,000 lb. silver from the *largitiones* according to Candidus (*fr.* 2, *F.H.G.* iv, p. 137).

<sup>4</sup> Symmachus, *Rel.* 29.

Constantine not only levied, like his predecessors, the *aurum coronarium* at intervals of five years, and continued to impose the gold and silver tax on land like Maximin;<sup>1</sup> he also exacted the rent of imperial estates in gold,<sup>2</sup> and instituted a new tax on traders, payable in gold and silver and hence known as the *collatio auri atque argenti*, or in Greek χρυσάργυρον.<sup>3</sup> But his principal stroke was the confiscation, late in his reign, of the temple treasures.<sup>4</sup> This measure must have brought into circulation very considerable quantities of gold and silver, and it is indeed regarded by an author writing a generation later as the basis of the new coinage. 'In the time of Constantine', he writes, 'there was lavish expenditure; he assigned gold to mean transactions instead of bronze, which formerly used to be held of high value. The origin of this avarice is believed to have derived from the following cause. When gold and silver and a great quantity of precious stones which had been stored of old in the temples came into public use, it inflamed the desire of all for giving and possessing. And whereas the expenditure even of bronze, which, as I have said, was stamped with the face of the kings, already seemed heavy and excessive, nevertheless owing to a kind of blindness there was a more lavish zeal for expenditure in gold, which is considered more valuable.'<sup>5</sup>

The economic thought of this anonymous fourth-century author is crude. He appears to think that using a more precious metal for the currency makes things dearer. But though the economic theory may be wrong there seems no reason to doubt that the creation of a new gold and silver currency, in addition to the existing denarius currency, out of hoards which had long been sterilized, must have had an inflationary effect. The precise influence which Constantine's monetary policy had on prices is, however, very difficult to estimate. The situation is exceedingly complex, for there were henceforth three currencies circulating simultaneously over the same area. Prices found their levels independently in gold, silver and copper (as we may now call denarii, although they continued for old times' sake to receive a silver wash), and the currencies exchanged against each other according to the market.

The gold prices of wheat are of the same order as those of the first centuries. In the second quarter of the fourth century there was a shortage one year in Egypt, and wheat stood at 5 artabae (16 modii) to the solidus. Pachomius sent out a monk to buy for his monastery, and he eventually

<sup>1</sup> *Cod. Theod.* xi, ix, 2 (337): 'si quis fundum vel mancipia ob cessionem tributorum vel etiam ob vestium auri argentique debitum quae annua exactione solvuntur occupata... comparaverit'. This tax appears to be different from the 'collatio auri atque argenti' which Constantius II imposed on land donated by the crown to individuals (*Cod. Theod.* xi, xx, 1, 2).

<sup>2</sup> *Cod. Theod.* xi, xvi, 1 (319); xii, vi, 2 (325). The rents of the estates given by Constantine to the Roman basilicas (*Liber Pontif.* 34) are all calculated in solidi, apart from special rare products.

<sup>3</sup> Zosimus, ii, 38.

<sup>4</sup> Eusebius, *Vit. Const.* iii, 1, 54, *Laud. Const.* viii, ix, Julian, *Or.* vii, 228bc, Libanius, *Or.* xxx, 6, 37, lxii, 8.

<sup>5</sup> *Anon. de rebus bellicis*, ii, 1.

found an obliging tax-collector who sold him corn from public stocks at 13 artabae (43 modii) to the solidus, in the expectation of postponing delivery to the government till after the harvest, when he could replace what he had—illicitly—sold. Pachomius repudiated this transaction, and wheat was ultimately bought at  $5\frac{1}{2}$  artabae (18 modii) to the solidus.<sup>1</sup> These prices are exceptionally low, and suggest that Egypt was producing a good surplus, which was not all absorbed by taxation. For the year 362–3 the emperor Julian quotes some rather high prices for Antioch. To alleviate a shortage he imported wheat from neighbouring cities and sold it at 10 modii to the solidus, and later shipped corn from Egypt, which he sold at 15 modii to the solidus. Even in normal conditions, he asks rhetorically, was wheat often sold at the latter price?<sup>2</sup> Wheat was doubtless normally dear at Antioch, since it was a very large town and must have drawn its supply from considerable distances, but we may suspect that Julian is painting normal conditions rather black, to glorify his own achievement. At Carthage a few years later Hymetius, proconsul of Africa, sold wheat during a shortage from government stocks at 10 modii to the solidus (this seems to have been regarded as a ‘just price’ in a famine), and refilled the granaries next year, buying at the rate of 30 modii per solidus.<sup>3</sup> In 445 Valentinian III fixed the price of wheat in Numidia and Mauretania at 40 modii to the solidus,<sup>4</sup> but this, being an official rate for government purchases, may have been below market prices. The same official rate is found in sixth-century Egypt,<sup>5</sup> and here the market price was about the same: twenty prices given by papyri average about 12 artabae to the solidus.<sup>6</sup> These Egyptian prices are, however, probably below the level of the empire. Joshua Stylites<sup>7</sup> quotes 30 modii to the solidus as being the normal price in Mesopotamia in 495 before locusts and war created famine conditions. If 30 modii be taken as the normal quantity which a solidus would buy, the price works out approximately the same as the first- and second-century price reckoned in gold. A pound of gold in the earlier period was equal to 45 aurei, each worth 25 denarii, each of which would buy nearly 2 modii; it would therefore fetch rather less than 2,250 modii. In the later period the pound of gold, being equal to 72 solidi, each of which would buy 30 modii, would fetch 2,160 modii. As far as gold prices went, therefore, there was no inflation. On the contrary, the strong demand for gold by the government for minting sent the price of gold up from the low level recorded in Diocletian’s Edict, until roughly the same relation between gold and wheat was reached as had prevailed in the first and second centuries.

This result is partially confirmed by a study of the price of another standard food, pork. Here we possess no figures for the early Empire, but

<sup>1</sup> *Patr. Or.* 4. v, ‘Histoire de S. Pacôme’, 33–4.

<sup>2</sup> *Misopogon*, 369.

<sup>3</sup> *Amm. Marc.* xxviii, i, 17–18.

<sup>4</sup> *Val. Nov.* xiii, 4.

<sup>5</sup> *P. Cairo*, 67320.

<sup>6</sup> Wheat prices in solidi are listed in Johnson and West, *Byzantine Egypt, Economic Studies* (Princeton, 1949), pp. 177–8.

<sup>7</sup> *Ch.* 26.

in Diocletian's Edict<sup>1</sup> the price is fixed at 12 denarii the pound. Thus on the Diocletianic tariff a pound of gold was equivalent to 4,000 pounds of pork. In the fifth century (452) the standard price for Italy was 240 lb. to the solidus;<sup>2</sup> in Africa a lower price for meat, 270 lb. to the solidus, was set by the government in 445;<sup>3</sup> and in Egypt 200 was in the sixth century the standard government rate for commutation of military supplies.<sup>4</sup> Thus a pound of gold would purchase 14,400, 17,280 or 19,440 pounds of pork. In terms of pork, therefore, as in terms of wheat, gold has roughly quadrupled in value from the time of Diocletian.

The prices of military uniforms tell the same tale. A requisition order dated A.D. 138<sup>5</sup> authorized payment for one chiton and four cloaks at 24 denarii each. The Diocletianic tariff<sup>6</sup> prices a 'military indictional chlamys (best quality)' at 4,000. In denarii the price has been multiplied by 166, in gold it has risen from 0.02 to 0.08, that is, fourfold. In the fourth century a military chlamys cost one solidus (0.014 lb. gold), three-quarters of the second-century price.<sup>7</sup>

The great inflation of the third century had a permanent effect in reducing the real wages and salaries of all employees of the State. The private soldier of the second century had received gross pay of 300 denarii, that is 12 aurei or  $\frac{4}{15}$  lb. gold. It is difficult to calculate exactly the pay of a private soldier in the fourth century, when it was made up of rations (*annona*), uniform (*vestis*), and arms issued in kind, together with pay (*stipendium*) in debased denarii, and a quinquennial donative in gold or silver. By the fifth and sixth centuries the *stipendium* had melted away, and the issues in kind had been commuted for gold. By this time the soldier received 4 or 5 solidi a year for *annona*,<sup>8</sup> and a quinquennial donative of 5 solidi.<sup>9</sup> His allowance for *vestis* is uncertain, but as he received 1 solidus (per annum) for his chlamys,<sup>10</sup> and was entitled to three garments in all, chlamys, pallium and sticharium,<sup>11</sup> we may put it at about 3 solidi. The

<sup>1</sup> *Ed. Diocl.* iv, 1.

<sup>2</sup> *Val. Nov.* xxxvi, 2.

<sup>3</sup> *Val. Nov.* xiii, 4.

<sup>4</sup> *P. Cairo*, 67320; cf. *J.H.S.* (1951), p. 271.

<sup>5</sup> *B.G.U.* 1564.

<sup>6</sup> xix, 1.

<sup>7</sup> *P. Ross. Georg.* v, 61 (D5) prices 15 chlamydes at 17 solidi. The official *adaeratio* was raised from  $\frac{2}{3}$  to 1 solidus in 396 (*Cod. Theod.* vii, vi, 4).

<sup>8</sup> *Val. Nov.* xiii, 3 (445, four solidi); *Cod. Just.* i, xxvii, 1, §§ 22-38 (five solidi): *Just. Edict* xiii, 18, implies four solidi.

<sup>9</sup> *Proc. Anecd.* xxiv, 27-9.

<sup>10</sup> *Cod. Theod.* vii, vi, 4 (396), repeated in *Cod. Just.* xii, xxxix, 3.

<sup>11</sup> All these garments appear in *P. Oxy.* 1905; *στιχάρια* and *πάλλια* in *P. Oxy.* 1424 and 1448; *χλαμύδες* in *P. Lond.* 1259; *χλαμύδες*, *πάλλια* and *στολαί* and *πέπλα* (vague terms which may cover *στιχάρια*) in *P.R.G.* v, 61. All these documents are probably concerned with military clothing. The Edict of Diocletian gives prices for *χλαμύς στρατιωτικῇ ὑδικτιοναλίᾳ καλλίστῃ* (xix, 1, 4,000 denarii) and *στίχη ὑδικτιοναλίᾳ* (xix, 2, 2,000 denarii) under woollen garments, and for *στίχων στρατιωτικῶν* (xxv, 28-30, 1,500, 1,250 and 1,000 denarii according to quality) under linen garments: no figures survive for the *πάλλιον*, which was probably the most expensive garment.

allowance for arms is unknown,<sup>1</sup> but if it be reckoned at another 3 solidi, his total emoluments would be 12 solidi, or  $\frac{1}{8}$  lb. gold, that is, about two-thirds in gold value of the pay of the second-century soldier. This calculation can be checked by reckoning the surplus which a soldier might save after paying his expenses. The soldier of the fourth century had only a *stipendium* of negligible value, and one-fifth of his periodical donative—probably a solidus per annum. The fifth- and sixth-century soldier similarly had only a solidus to spare, for the commutation of *annona* and *vestis* was not on a generous scale. The soldier of the principate<sup>2</sup> on the other hand had 60 denarii (2.4 aurei) deducted for rations, and from 50 to 60 denarii (2 to 2.4 aurei) for uniform. Two soldiers whose pay-sheets we possess had no deduction for arms in the year in question (arms would not often require replacement), and their total outgoings including boots and sundries total only 134 to 144 denarii, or less than two-thirds of the 225 denarii (9 aurei) which the troops then—before Domitian's increase of pay—received. If deductions were not increased when the pay was raised to 300 denarii (12 aurei), soldiers of the second century would have been able to save about half their pay, 6 aurei, equivalent to about 10 solidi.

On higher officials and officers the effect of the inflation was even more severe. Equestrian officials in the second century were graded as *sexagenarii*, *centenarii*, *ducenarii* and *tricenarii*, drawing salaries of 60,000, 100,000, 200,000 and 300,000 sesterces, or, reckoning in gold values, 13 $\frac{1}{3}$ , 22 $\frac{2}{3}$ , 44 $\frac{4}{9}$  and 66 $\frac{2}{3}$  lb. gold. The highest senatorial office, the proconsulship of Africa, carried a salary of 1,000,000 sesterces, or over 220 lb. gold.<sup>3</sup> During the inflation the same salary scales continued to be paid in debased denarii, so that in Diocletian's reign a *magister memoriae* was still receiving 300,000 sesterces,<sup>4</sup> that is, 75,000 debased denarii, and even in the last decade of Constantine's reign the *praepositus* of a unit was getting only 36,000 denarii, probably not much more than twice what an officer of equivalent grade received in the second century.<sup>5</sup> These salaries were supplemented by multiple *annonae* and *capitus*, but what little evidence there is suggests not on a scale to compensate for the fall in the value of money. We have unfortunately no fourth- or fifth-century figures, but in the sixth Justinian states that the salary of the Augustal Prefect of Egypt

<sup>1</sup> That there was a money allowance for arms may be inferred from Theophylact Simocatta, vii, 1, where the emperor Maurice ἐβούλετο τριτταῖς μοίραις συντάττεσθαι τὴν ἐπίδοσιν, δι' ἐσθῆτος καὶ ὄπλων καὶ χαράγματος χρυσοῦ. He appears to have been trying to restore the issue in kind of uniform and arms, hitherto commuted for gold; the suggestion was very unpopular.

<sup>2</sup> See p. 295, n. 1.

<sup>3</sup> The salary grading of equestrian officials is attested by many inscriptions. For the proconsul of Africa see Cassius Dio, lxxviii, 22.5.

<sup>4</sup> Eumenius, *pro Instaurandis Scholis* (*Pan. Vet.* ix (iv), 11), 'trecena illa sestertia, quae sacrae memoriae magister acceperam.'

<sup>5</sup> *P. Oxy.* 1047: the date on which the donative was paid (25 July) fixes the document to Constantine's reign, and it cannot be earlier than 324 when Constantine acquired Egypt. For officers' rates of pay in the principate see *Papers of the British School at Rome*, xviii (1950), pp. 68–9.



was, prior to his reform of the Egyptian administrative system, 50 *annonae* and 50 *capitus*. The salary of the Dux of Libya at this date amounted to 50 *annonae* and 50 *capitus* in gold, equivalent to 400 solidi in all, and 90 *annonae* and 120 *capitus* in kind, commuted for 1,005 $\frac{1}{4}$  solidi.<sup>1</sup> It is plausible to suggest that the official salary of both these officers, who were of equal (*spectabilis*) grade, was 50 *annonae* and 50 *capitus*, and the Dux had supplemented his income by appropriating, in the fashion familiar to the later Empire, some of the *annonae* of his troops; the Augustal Prefect no doubt made up his salary by other perquisites. If so, the official salary of officers of *spectabilis* grade would have been *annonae* and *capitus* (there is no suggestion that they had any other regular and official emoluments) amounting to the value of 400 solidi, or roughly 5 $\frac{1}{2}$  lb. gold. The Augustal Prefect and the Dux held posts which were equivalent to those of *ducenarii* of the second century. The official salary of such officers had then, as a result of the inflation, dropped to about one-eighth of second-century rates. This circumstance may help to explain, if not to excuse, the constant attempts of late Roman officials to supplement their salaries by perquisites, some of which eventually received legal sanction.

Justinian endeavoured to check these and other types of corruption by consolidating and raising salaries. Even his revised scales are, however, well below second-century levels. He normally gave about 10 lb. gold to *spectabiles*, and raised many officers to this grade.<sup>2</sup> But even this salary was only three-quarters of that of the most junior procurators, the *sexagenarii*. The Moderator of Arabia received 15 lb. gold<sup>3</sup> and the Proconsul of Cappadocia 20 lb.,<sup>4</sup> while the Dux of Libya kept his old salary, which amounted to about 20 lb. The post of Augustal Prefect of Egypt was united with that of Dux of Egypt and was allotted 40 lb.,<sup>5</sup> nearly as much as a *ducenarius*. The newly created Praetorian Prefect of Africa, whose post would correspond in dignity to, and carry more onerous duties than, the old proconsulate of Africa, received 100 lb. gold, less than half the proconsul's salary.<sup>6</sup>

It is noteworthy that the common soldier, in theory at any rate, lost very much less by the inflation than high officials and military officers. He had to be decently fed, clothed and armed, and there was less spare to cut. When on the other hand the large cash salaries of the higher grades melted away they were replaced by allowances in kind on a much more modest scale. In practice the contrast was not so sharp, as officers regularly intercepted a proportion of the pay and allowances of their troops.

The creation of a new gold and silver currency, competing with the old copper currency for the same volume of goods, must inevitably have sent prices up in terms of denarii. But the papyri reveal that in Egypt the rise

<sup>1</sup> Just. *Edict* xiii, 3 and 18.

<sup>2</sup> Just. *Nov.* xxiv-xxvii (800 solidi), xxviii, 3, xxix, 2 (725 solidi), xxxi, 1 (700 solidi). *Edict* iv, 1, 2 (10 lb. = 720 solidi).

<sup>3</sup> Just. *Nov.* cii, 2.

<sup>5</sup> Just. *Edict* xiii, 3.

<sup>4</sup> Just. *Nov.* xxx, 6.

<sup>6</sup> *Cod. Just.* i, xxvii, 1, §21.

in prices was far greater than could be explained by this fact alone. The Egyptians went on reckoning in drachmae (though tetradrachms ceased to be minted in 296) and in denarii throughout the fourth and fifth centuries and even in the sixth, though by this time it was becoming more usual to keep accounts in fractions of the solidus. As prices rose it became customary to quote them in talents (1 talent = 6,000 drachmae = 1,500 denarii) or in myriads of denarii. In 335 wheat, which had been tariffed by Diocletian at 100 denarii the modius (330 denarii the artaba), stood at 14 talents (21,000 denarii) to the artaba, and in 338 at 24 talents (36,000 denarii). A few years later the artaba stood at 50 talents (75,000 denarii), and later again at 183 talents or about 500,000 denarii.<sup>1</sup> Other papyri give the price of gold either by weight or in solidi. In 324, the year in which Constantine acquired Egypt, 10½ grammes of gold were valued at 7 talents 3,720 drachmae, which would make the pound of gold cost 313,488 denarii and the solidus about 4,350 denarii.<sup>2</sup> Other undated fourth-century documents give prices of 36 talents (54,000 denarii), 100 talents (150,000), 120 talents (180,000) and 183½ talents (275,000) for the solidus.<sup>3</sup> In the last document the price of corn is quoted as 26 talents (39,000 denarii), which suggests a date near 338; reckoned in solidi the price is unusually high (about 7 artabae to the solidus). A papyrus dated to the middle of the fourth century gives a price of gold which works out at 3,840 talents or 576 myriads of denarii to the solidus; and in another document the writer states, 'The solidus now stands at 2,020 myriads; it has gone down'.<sup>4</sup> Yet other papyri, dated to the late fourth century, equate the solidus to 25,000 and 30,000 talents (3,750 and 4,500 myriads).<sup>5</sup> Some indirect data confirm these equations and make the chronology of the inflation rather more precise. In a document dated 362 meat is priced at 7,200 myriads for 500 lb., and in another dated 390 at 105 myriads for 3½ lb., i.e. at 14⅔ and 30 myriads per lb. respectively.<sup>6</sup> If meat in the fourth century stood at the standard fifth-century price of 200 lb. to the solidus, the solidus was equated with 2,880 myriads in 360 and 6,000 myriads in 390.

The denarius of the papyri was not, of course, a coin. In 324 the *nummus*, the principal copper coin, had a value of 25 denarii, so that a solidus could have been bought with 174 *nummi*. During the fourth century the successive issues must have been assigned higher and higher face values in denarii, while at the same time the coins tended to become smaller and smaller.

The peculiar conservatism of the Egyptians, who went on reckoning in the old units of the drachma and denarius long after they had ceased to be coins, enable us to trace the course of the inflation; it appears from the figures given above that from the time when Constantine conquered the East (324) till the reign of Julian (360-3) the inflation was extremely rapid.

<sup>1</sup> *P. Lond.* 1914; *P. Oxy.* 85; *P. Lond.* 427; *P. Princeton*, 183 v.

<sup>2</sup> *P. Oxy.* 1430.

<sup>3</sup> *P.E.R.* 187 and 37; *S.P.P.* xx, 96 and 81.

<sup>4</sup> *S.B.* 7034; *P. Oxy.* 1223.

<sup>5</sup> *P.S.I.* 960-1.

<sup>6</sup> *P. Oxy.* 1056, 1753.

During these forty years the value of the denarius sank from about 4,500 to the solidus to about 30,000,000. Thereafter the movement was checked, and in the next thirty years the denarius sank only by 50 per cent.

These figures all come from Egypt, but they cannot be written off as peculiar to Egypt. The same coins circulated in Egypt as in the rest of the Empire, and it shared the same fiscal system.<sup>1</sup> There was certainly a vast inflation of the denarius in Egypt in the fourth century, and, unless the contrary can be proved, what happened in Egypt happened in the rest of the eastern part of the Empire at any rate. It is a more plausible hypothesis that during the periods when the Empire was divided the *comes sacrarum largitionum* in the western part may have pursued a different policy from his eastern colleague, and that the history of the denarius may therefore have followed a different course in the west than in the east. We have no information about the value of the denarius in the west during the fourth century, but there is a figure for the early fifth century which taken at its face value suggests that no inflation had taken place. In a constitution dated 419<sup>2</sup> the price of salt pork is fixed at 50 denarii to the pound, and in another dated 452<sup>3</sup> that of pork at 240 lb. to the solidus. In 419, then, the denarius at Rome will have stood at about 12,000 to the solidus. The figure is surprisingly low, for the western denarius could not have parted company from the eastern until 337, when on Constantine's death the Empire was divided between his sons, and by that date the Egyptian documents suggest that it had already sunk to the neighbourhood of 250,000.<sup>4</sup> We must in fact presume a policy of deflation in the west as against rapid inflation in the east.

There are, however, serious grounds for questioning this conclusion. In the first place, the issues of copper coins from the western and eastern mints are, in general, uniform. There is nothing in the coins themselves to suggest that a radically different monetary policy was being pursued in the two halves of the Empire, though it is of course possible that similar coins were tarified at entirely different rates in east and west. In the second place the Empire was not as yet permanently divided into two parts; it was only on Theodosius's death in 395 that the eastern and western parts finally parted company. It is rather difficult to conceive how in these circumstances a radically different monetary policy can have

<sup>1</sup> It has been argued that the fact that Alexandria alone of the imperial mints never issued solidi would account for a local inflation in Egypt. Solidi, however, came into circulation not where they were minted but where they were paid out, and it is in fact abundantly evident, both from finds and papyri, that they circulated freely in Egypt. In general, finds indicate that coins travelled widely and freely from their place of minting. There is one constitution (*Cod. Theod.* ix, xxiii, 1) of mid-fourth-century date which forbids merchants to carry copper coin from place to place beyond specified sums for travelling expenses, but other clauses of this law, prohibiting the sale of coin, make it plain that it was an emergency measure, designed to prevent speculative transactions in the copper currency at a moment when certain old issues had been declared no longer legal tender.

<sup>2</sup> *Cod. Theod.* xiv, iv, 10.

<sup>3</sup> *Val. Nov.* xxxvi.

<sup>4</sup> See p. 308, n. 3.

been pursued in east and west. Thirdly, there are two pieces of evidence which suggest that the denarius was rapidly depreciating in the west. In 361–3 the Consular of Numidia, fixing a scale of *sportulae* (fees payable by litigants to officials), expressed them in modii of wheat or the price thereof;<sup>1</sup> he would hardly have done so unless the denarius was depreciating so rapidly as to be useless as a standard of value. In 384–5 the *collectarii* of Rome protested, apparently with justice, that the official price of a solidus in denarii, recently raised by Gratian (376–83), required to be raised again to correspond with market rates.<sup>2</sup>

The apparent contrast between east and west is probably to be explained by a difference in terminology. The Egyptians continued to reckon in notional denarii, and not in actual coins, and thus their accounts present a faithful picture of the progress of the inflation. In the west, it would seem, the current copper coins of the day were popularly called denarii. Thus when John Cassian,<sup>3</sup> writing in the early fifth century in Latin for a western public, speaks of a cheap loaf costing 3 denarii in Egypt, he is thinking of three copper coins, which an Egyptian would have tarified at, say, a myriad denarii each. Denarius seems to be synonymous with nummus. In 445 the rate of exchange between the solidus and the nummus was stabilized at 1:7,000–7,200.<sup>4</sup> Writing in about 510, Cassiodorus states that the ancients wished the solidus to be 6,000 denarii.<sup>5</sup>

The copper coinage issued during the fourth century does not by itself suggest a cataclysmic inflation but is not incompatible with it. There were frequent and abundant issues in various denominations in both east and west. All denominations tended to sink in weight in successive issues, and periodically a fresh start was made with a heavier coin, which in its turn dwindled in size. This in itself suggests that the currency was being steadily debased, but to account for the scale of inflation revealed by the papyri one must assume that successive issues of coins were tarified at higher and higher values reckoned in denarii.

It might seem at first sight that the process of altering the nominal value of successive issues of coins without indicating this fact in any way on the coins themselves would have led to inextricable confusion. The papyri, however, prove that the Egyptians were able to cope with the situation. In general the imperial government does not seem to have tried to demonetize or withdraw old issues. Only two attempts are recorded. A mid-fourth-century constitution alludes<sup>6</sup> to certain types of *pecunia* as being banned, probably those issued before the new series inaugurated in 348. Another constitution of 395<sup>7</sup> prohibits the circulation of the *decargyros*

<sup>1</sup> Bruns, *Fontes*<sup>7</sup>, 103 (=C.I.L. viii, 17896).

<sup>2</sup> Symm. *Rel.* 29. *Cod. Just.* xi, xi, 2 (dated by Seeck to 371–3) suggests that an attempt at deflation had recently been made, but apparently without lasting success.

<sup>3</sup> *Inst. Mon.* iv, 14.

<sup>4</sup> *Val. Nov.* xvi.

<sup>5</sup> Cassiodorus, *Variae*, i, 10, §5.

<sup>6</sup> *Cod. Theod.* ix, xxiii, 1. The date given the code (356) is rejected by Mommsen and Seeck, but on inadequate grounds.

<sup>7</sup> *Cod. Theod.* ix, xxiii, 2 (395).

*nummus*. It may be doubted whether these laws were very effective; to judge by hoards, coins of all different dates circulated together. It seems likely that the older coins were rated by the money changers according to their size and weight and commanded a market value based on the official valuation of the current issue. Thus the large coins surviving from earlier reigns would pass current as multiples of the minute nummi issued in the last years of the fourth century.<sup>1</sup> If this was what happened, it helps to explain the rapidity of the inflationary process: for every time the government increased the face value of a new issue, the whole of the copper coinage in circulation would be revalued in sympathy.

After the death of Theodosius the Great in 395 issues of copper almost cease, and those of silver become very rare: the coins already circulating, supplemented by unofficial imitations, had to serve for currency for eighty years in the west, and for a century in the east. In these circumstances one would expect the inflation to cease and even to recede. This seems to have been the case. In the west, the denarius or nummus stood at about 12,000 to the solidus in 419, had risen to about 7,000 in 445 (when the imperial government forbade the sale of solidi *under* that price), and later was stabilized at 6,000, if Cassiodorus be taken to mean that this figure had been official in his day for some considerable time. For the east we have unfortunately no fifth-century figures from Egypt, but by the sixth century the denarius had at any rate not greatly depreciated from the lowest values recorded in the fourth: we possess quotations of 5,200 and 7,200 myriads for the sixth century, as against 6,000 (inferred) for the end of the fourth.<sup>2</sup>

It remains to be considered why the denarius was inflated at so prodigious a rate in the mid-fourth century. During this period government expenditure was to a very large extent either in kind or in gold and silver, and was supplied by corresponding levies in kind and the precious metals. The heaviest item in the budget, the *annona* and *capitus* of troops and officials, was paid in foodstuffs, which were levied in kind from the provincials under the annual *indictio*. The *vestis* of soldiers and officials was also usually issued in kind; the garments needed were either produced in the state factories or levied from the provincials. Public works, in so far as they were not built by forced labour from requisitioned materials, seem to have been paid for in gold.<sup>3</sup> The other main items of expenditure, the accession and quinquennial donatives to the troops, were paid in gold and silver,<sup>4</sup> raised by concurrent levies of *aurum oblativum*, *aurum coronarium* and the *collatio lustralis*. Gold was also probably used for the more casual benefactions of the emperor: the treasury of the *res privata*, fed by the gold

<sup>1</sup> This conjecture is supported by the character of the reformed coinage of the late fifth century (see p. 314 below).

<sup>2</sup> *P. Oxy.* 1911, 2195, 1917.

<sup>3</sup> *Symm. Rel.* 26 gives an estimate in solidi for repairing a bridge.

<sup>4</sup> The accession donative of 5 solidi and a pound of silver is frequently attested from Julian onwards: *Amm. Marc.* xx, iv, 18 (360); *Const. Porph. de caerim.* 412B (457), 432B (473), 423, 425B (491), 429B (518). The quinquennial donative of 5 solidi is recorded only by *Proc. Anecd.* xxiv, 27-9.

rents of the imperial lands, supplied this need. The *navicularii* were paid partly in corn, partly in solidi.<sup>1</sup> The lime-burners and carters of Rome received one solidus per load.<sup>2</sup>

It is not easy at first sight to discern how the government expended its copper issues, or if it did not expend them, how it put them into circulation; and yet unless the government had some urgent motive for putting excessive quantities of denarii into circulation, whether by spending them or by some other method, the great inflation would not have taken place.

One use for the copper issues may have been the annual pay of the troops. Under Diocletian soldiers certainly received, in addition to their *annona*, *capitus* and *vestis* in kind, *stipendium et donativum* in *denarii communes*:<sup>3</sup> this *donativum* is probably to be distinguished from the accession and quinquennial donative, which seems to have been in gold and silver, and was probably an annual bonus on pay. This pay in denarii continued under Constantine: a pay statement of a *praepositus* of that reign survives, showing that he received 36,000 denarii in *stipendium* and 2,500 in *donativum*.<sup>4</sup> Julian, in his letter to Constantius II after his proclamation as Augustus in 360, complains that his troops had received no *annuum stipendium* during his reign as Caesar.<sup>5</sup> Mamertinus speaks of his anxiety when appointed *comes sacrarum largitionum* by Julian in 361 over the arrears of *stipendium*.<sup>6</sup> Julian found the imperial barber at Constantinople was receiving, besides 20 *annonae* and 20 *capitus*, *annuum stipendium grave*.<sup>7</sup> Gregory Nazianzen describes how Julian, handing out royal gifts to the army, at either the regular annual distribution or one specially devised for the purpose, associated the payment with a pagan sacrifice.<sup>8</sup> We are not told in any of these cases that the payment was in denarii, and indeed Gregory speaks of gold. But though gold may have been paid to the imperial guard—Julian could not personally have paid the whole army—the ordinary soldier must have received his meagre pay in denarii. There is only one later allusion to *stipendium*, and that not a certain one, early in the reign of Valentinian I, when the tribune and notary Palladius was sent to Africa ‘ut et militi disperso per Africam praeberet stipendium debitum’; the money is subsequently called *stipendium* or *donativum* indifferently by Ammianus.<sup>9</sup> This might refer to a delayed accession donative, but the use of the term *stipendium* suggests that arrears of annual pay are meant. The date when annual cash pay was abolished is uncertain, but if it was for the most part paid in denarii, it would be natural to infer that it ceased when the imperial government ceased to issue copper on a large scale, on the death of Theodosius the Great.

There is very little trace of the government collecting taxation in denarii after the reigns of Galerius and Maximin, who appear to have levied the *capitatio*—or at any rate the *capitatio* which they imposed on the

<sup>1</sup> *Cod. Theod.* xiii, v, 7 (334).

<sup>3</sup> *Ed. Diocl.* preamble.

<sup>5</sup> *Amm. Marc.* xx, viii, 8.

<sup>7</sup> *Amm. Marc.* xxii, iv, 9.

<sup>9</sup> *Amm. Marc.* xxxviii, vi, 12; cf. 17, 19.

<sup>2</sup> *Cod. Theod.* xiv, vi, 3 (365).

<sup>4</sup> *P. Oxy.* 1047.

<sup>6</sup> *Pan. Vet.* iii (xi), 1.

<sup>8</sup> *Contra Julianum* 1 (*Or.* iv), 82–4.

urban population—in copper.<sup>1</sup> After Maximin's death the *capitatio* of the *plebs urbana* was abolished<sup>2</sup>—to be later replaced by a tax in gold and silver, the *collatio lustralis*—and the *capitatio* of the *plebs rustica* was paid in kind.<sup>3</sup> Every issue of pay to the troops must therefore have been newly minted coin and have been added, without any compensating withdrawal, to the denarius currency in circulation. This would lead to a steady inflation, and prices would have risen continuously as reckoned in denarii. To the government, whose finances were based on gold and on issues and levies in kind, the steady depreciation of the denarius was not of any great moment. No doubt from time to time the *stipendium* had to be raised when its value became quite derisory, but the difficulty was met by assigning higher face values to the next issue of coins.

Another possible way in which the government disposed of its copper coinage is suggested by the way in which Symmachus<sup>4</sup> speaks of the *collectarii* of Rome: 'vendendis solidis, quos plerumque publicus usus exposcit, collectariorum corpus obnoxium est, quibus arca vinaria statutum pretium subministrat'. The guild of money changers was, that is, under the obligation of selling solidi to the government, being paid in denarii at a fixed tariff from the *arca vinaria*,<sup>5</sup> presumably the account into which was paid the money accruing from government sales of wine in Rome; the small change thus received was of no use to the treasury, which accordingly supplied it to the *collectarii* to purchase solidi on government account. We have no evidence that this technique was applied to newly minted denarii, but it is perhaps suggestive that there were 'provincial gold-buyers' (ἐθνικοί χρυσῶναι: the office is attested only by Egyptian papyri, but that is no reason to assume that it did not exist elsewhere).<sup>6</sup> These officials are only recorded to have banked taxes in gold, but their title implies a wider function, and it may be that they were responsible for buying gold from the *collectarii* against issues of denarii. If this practice was general, it would also have added to the stock of denarii in circulation without any counterbalancing withdrawal.

The technique described above would have been highly profitable to the government, which increased its stock of gold, in which it reckoned its

<sup>1</sup> Lactantius, *de mort. pers.* xxiii: 'post hoc pecuniae pro capitibus pendebantur'. Cf. Arcadius Charisius in *Dig.* L, iv, 18, §8: 'exactores pecuniae pro capitibus', and the series of receipts for ἐπικεφάλαιον πόλεως in *P.S.I.* 163, 302, 462, 780, dating from 301 to 315.

<sup>2</sup> *Cod. Theod.* xiii, x, 2.

<sup>3</sup> Riccobono, *Fontes Juris Rom. AnteJust.*, I, 83, *Année Epigr.* 1937, 232 (the Table of Brigetio, A.D. 311): 'quinque capita . . . ex censu atque a praestationibus sollemnibus annonariae pensitationis excusent eademque immunia habeant'; 'ab annonario titulo duo kapita excusent, id est tam suum quam etiam uxoris suae'.

<sup>4</sup> *Rel.* 29.

<sup>5</sup> Otherwise mentioned only in *Cod. Theod.* xiv, vi, 3 (365), when a payment (in solidi) is made to the *calcis coctores* 'ex eius vini pretio . . . quod consuevit ex arca vinaria ministrari'. Cf. xiv, vi, 1 (359) for an earlier payment in actual wine, and xiv, iv, 4 (367) for a similar payment in wine to the *suarii*.

<sup>6</sup> Wilcken, *Grundzüge*, pp. 164–5.

wealth, at the cost of inflating the copper currency, which affected its finances little. It is indeed difficult to see why, if it had during the fourth century exploited this device, it should have ceased to do so in the fifth. It is, however, noticeable that by the beginning of the fifth century the gold currency seems to have been abundant, and that the government was beginning to commute the levies of *annona* into gold taxes:<sup>1</sup> in Africa the process seems to have been complete by 445, when Valentinian III reckons the taxes in gold, or *annona* commuted into gold, and in Italy by the time of Majorian, who in his Novels (458) assumes that all the annual *indictio* is collected in solidi;<sup>2</sup> in the east Anastasius made χρυσοτέλεια τῶν λούγων the general rule.<sup>3</sup> It may be that in view of the increase in its gold revenue from taxation, the government ceased to find it worth while to make further issues of denarii in order to buy solidi.

The abundance of gold may also have led to the virtual abandonment of the silver currency. It is noteworthy that for some twenty years before the silver issues fall off the government seems to have levied the *collatio lustralis* wholly in gold and no longer in gold and silver: it would seem to have been deliberate policy to abandon silver and concentrate on gold.<sup>4</sup>

From the year 473 large copper coins were issued at Rome bearing a mark of value, the figure XL, together with smaller pieces marked xx, x and v. Similar but rather lighter coins were issued at Carthage under the Vandal kings, marked NXLII, NXXI and NXII, presumably meaning 42, 21 and 12 nummi. It may be assumed that the units on the Roman coins also represent nummi, in which case the large pieces will have stood at 180 to the solidus, if Valentinian's law of 445 was still enforced, or more probably at 150 to the solidus, if Cassiodorus's statement is to be referred to this period. The largest coins of each series bear an obvious resemblance in size and weight to Diocletian's nummi and to dupondii (half sesterces) of the early Empire. This suggests that the reformers took as their model old coins which were still in circulation and popular. They seem to have tarified the new coins at the current valuation of the old coins in terms of the little nummi which formed the bulk of the copper currency: this would

<sup>1</sup> The earliest allusion to the payment of land tax in gold seems to be the *auraria praestatio* of *Cod. Theod.* xi, i, 19 (384) in the east; for the west (Africa) see *Cod. Theod.* xi, i, 32 (412) and 34 (429). By 436 commutation into gold seems to have been a fairly commonly granted privilege in the east (*Cod. Theod.* xi, i, 37; cf. Theodoret, *Ep.* 42, who states that 15,000 of the 60,000 *iuga* of Cyrrhus became χρυσοτελής under Isidore, praetorian prefect of the east in 435-6).

<sup>2</sup> Val. *Nov.* xiii; Maj. *Nov.* ii, 3; vii, 14, 16.

<sup>3</sup> John Malalas, 394B.

<sup>4</sup> *Cod. Theod.* xiii, i, *de lustrali collatione*, laws 1 (356), 4 (362), 6 (364) and 8 (370) all speak of gold and silver, whereas laws 9 (372), 11 (379), 15 (386), 17 (399), 18 (400), 19 (403), 20 (410) and 21 (418) all mention gold alone; only in i. v. 14 (405) is silver mentioned during this period as forming part of the *collatio lustralis*. The name χρυσόργγυρον survives in Greek, but the tax was in the later fifth century certainly collected in gold only (Joshua Stylites, xxxi).



account for the very odd and inconvenient figure of forty-two adopted in Africa.<sup>1</sup>

In Africa the Vandal kings later issued small silver coins, weighing 2, 1 and  $\frac{1}{2}$  a scruple (that is, at 144, 288 and 576 to the pound), marked DNC, DNL and DNXXV respectively. The unit marked DN must have stood at 3,600 to 2,880 to the solidus according as the pound of silver was valued at 4 solidi or 5, and must therefore have been worth twice the nummus. If the letters DN stand for denarius, the denarius must have been reckoned as worth two nummi in Africa. Alternatively, the letters might be interpreted as dinummus, a double nummus.<sup>2</sup>

In 496 Anastasius followed the lead of Rome and Carthage by issuing substantial copper coins marked M (40), K (20), I (10) and E (5). These pieces were known, according to a contemporary chronicler, in Latin as *terunciani*, in Greek as *follores*.<sup>3</sup> There survive two separate series of these coins. One is rather smaller and very much lighter than the corresponding Roman coins; the other is both larger and heavier; the lighter series was issued by no later emperor. It seems likely that the two series, which are readily distinguishable at sight, were intended to be of different values, and that, therefore, the unit marked on the larger series was different from that marked on the smaller. The small M coins, which, though considerably lighter, are not much smaller than the Italian XL coins, may well have been intended to represent, like them, 40 nummi, and have been issued for use in areas where that unit was commonly used. The unit on the larger M coins may perhaps have been the myriad of denarii by the Egyptian reckoning. This is suggested by the following facts. Justinian, according to Procopius,<sup>4</sup> lowered the hitherto prevailing rate of 210 *folles* to the solidus to 180: the change is probably to be associated with his reform of the copper coinage in 538, when he raised the weight of the *follis* by over 25 per cent. Before 538, then, 8,400 units went to the solidus; after 538, 7,200. Now an undated papyrus of the sixth century quotes a rate of 7,200 myriads to the solidus.<sup>5</sup> It would seem likely therefore that the Egyptians reckoned the units on the large *folles* as representing a myriad. This theory involves the consequence that the *follis* must have depreciated very considerably since its first issue by Anastasius. For if the smaller M coins were intended to

<sup>1</sup> I owe this interesting suggestion to Mr Philip Grierson, who will be publishing a full statement of it in the *Numismatic Chronicle*. He points out that there exist sestertii and dupondii of the principate with the numerals LXXXIII and XLII scratched on them (see *B.M.C., Coins of the Vandals, Ostrogoths and Lombards*, p. xviii): these figures would represent the number of nummi at which they were priced in the fifth century. He also points out that the standard coin marked IB, peculiar to the Alexandrian mint in Justinian's copper coinage, bears a close resemblance to the old Alexandrian tetradrachm. The only explanation would seem to be that tetradrachms were still in circulation, and valued at 12 (myriads?), and that Justinian copied them.

<sup>2</sup> The word dinummus is apparently only known from a gloss, cited in *Thes. Ling. Lat.*, s.v. binio, which equates δίνουμμα and δηνάρια.

<sup>3</sup> Marcellinus Comes, s.a. 498.

<sup>4</sup> Proc. *Anecd.* xxv, 12.

<sup>5</sup> *P. Oxy.* 1917.

represent 40 nummi they must have been originally issued at 150 to 180 to the solidus, and the larger M coins must have been tarified at twice this value at least, to judge by their weight and size. The large *folles* must therefore have dropped from about 80 to 210 between 496 and 538. In the east the *folles* seems to have appreciated yet further in the latter part of Justinian's reign, for a papyrus dated 557<sup>1</sup> reckons 5,200 myriads, that is 130 *folles*, to the solidus.

In Italy Justinian, during the latter part of his reign, issued small silver coins, which, to judge by their weight, were probably struck at 240 and 480 to the pound. These issues are marked CN (250) and PKE (125) respectively, and must presumably have been meant to represent 250 and 125 nummi. As the pound of silver was at this date tarified at 5 solidi, about 12,000 nummi must have gone to the solidus; that is, the nummus must have depreciated to half its value under the Ostrogothic kings. The explanation may be that Justinian on the conquest introduced his own eastern monetary system, reckoning his *folles* as representing 40 double nummi, as Anastasius may well have reckoned his heavier series, and thereby marking down the surviving Ostrogothic XL coins to half *folles*. By this procedure, since the *folles* was tarified after 538 at 180 to the solidus, the Italian nummus will have been halved in value.

The reformed copper currency issued in Italy under Odovacar and in Africa under the Vandal kings, and finally adopted in the eastern empire by Anastasius, was no doubt a boon to the public. There must have been a growing lack of the small change needed for everyday transactions, and the money current must have been very inconvenient to handle, a mixture of issues of varying sizes, including many unofficial imitations. That Anastasius's copper coinage was welcomed by the masses is stated by a contemporary chronicler—'nummis quos Romani teruncianos vocant, Graeci follares, Anastasius princeps suo nomine figuratis placabilem plebi commutationem distraxit'.<sup>2</sup> But the governments which issued the new coins may have had fiscal motives also. Anastasius, as the chronicler says, sold (*distraxit*) his new coins to the public, that is, he bought solidi with them, and bought them cheap; for the minting cost of the number of *folles* at which the solidus was tarified must have been very substantially below a solidus. The coins show that the government from time to time succumbed to the temptation of increasing their profit by reducing the size of the *folles*—and no doubt issuing it in greater quantities. This tendency was, however, checked periodically, when the *folles* was restored to its original weight, or even made heavier than Anastasius's first issue. The exchange rates extant show considerable fluctuations, but within a reasonable range, and it would appear that the government on the whole restricted its copper issues to an amount which did not seriously disturb the balance, and were able effectively to control the exchange rate. They thus established what approximated to a fiduciary copper coinage. The copper issues, though intrinsically worth much less, were accepted as

<sup>1</sup> *P. Oxy.* 1911.

<sup>2</sup> See p. 315, n. 3.

equivalent to the fraction of the solidus for which they were exchanged, a fraction which though not absolutely fixed varied only within reasonable limits.

The inflation of the third century was of a normal type. It resulted from the debasement and multiplication of the standard coin of the Empire, the denarius, and its progress was relatively slow. It is interesting for three of its effects. By driving gold out of circulation it substantially reduced its price, relatively to other goods. It forced the government, whose fiscal system was too rigid to adapt itself to the rising prices, to abandon the use of money for most purposes and fall back on levies and issues in kind. It permanently and drastically reduced official salaries in real value. The inflation of the fourth century was more peculiar. The Empire now possessed two currencies, gold and copper. The copper currency was inflated at a speed and to a degree paralleled only in modern times, and by a method, it would seem, analogous to that of the printing press, by arbitrarily assigning ever increasing face values to the coins. At the same time the gold currency was carefully kept up to standard in weight and purity, and gradually increased in volume until the government was enabled to commute levies and issues in kind into gold payments. The government during this period seems to have made the best of both worlds. Its own finances were based on the stable gold solidus, and it was therefore indifferent to the fate of the copper denarius, which it inflated recklessly. The purpose of this inflation remains somewhat obscure, but it would appear that the government issued vast quantities of denarii partly to cover army pay and partly to buy solidi on the open market. By the end of the fourth century the denarius had sunk so low that the government abandoned its issue. But meanwhile it had built up the gold currency, bringing more and more gold into circulation by heavy taxes and, if I am right, by purchase. Eventually, towards the end of the fifth century, a new copper currency was provided for the use of the ordinary citizen, whose needs had been completely neglected during the inflationary period and during the cessation of all copper issues which followed.

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#### *Additional Note*

As the question is important and controversial, it may be as well to outline the evidence. *P. Ryl.* 607 is a letter, dated on various grounds to about A.D. 300, from an official (who is evidently 'in the know') to a subordinate, instructing him urgently to buy goods at any price with all his (the writer's) Italian money ('*Ἰταλικὸν ἀργύριον*'), the reason being that the emperors have ordered the Italian coin to be reduced to half a nummus (*προσέταξεν ἡ θεία τύχη τῶν δεσποτῶν ἡμῶν τὸ Ἰταλικὸν νόμισμα εἰς ἡμισυ νούμμου καταβιβασθῆναι*). It is generally agreed that τὸ Ἰταλικὸν νόμισμα (or ἀργύριον) means the normal imperial coinage by contrast with the local Alexandrian tetradrachms which ceased to be issued in A.D. 296, that is the Aurelianic xx.1 pieces. The most natural interpretation of the phraseology would be that these pieces had hitherto been known as nummi, but were henceforth to be tarified at half nummi.

*P. Oslo*, III, 83, also dated to about A.D. 300, is unfortunately fragmentary. It contains portions of three official letters, of which the third alone concerns us. It is clearly concerned with the regulation of the currency, and alludes to the *καθολικός* or *rationalis*, the imperial minister who controlled the mints or his local representative in Egypt, and to a *πρόγραμμα* or public notice issued by some high authority (*παρὰ τῆς μεγαλειότητος*). The first line speaks of something having reached 25 denarii (*ἕως εἰς εἴκοσι πέντε Ἀττικάς*) and the third of nummi (being reduced?) to  $12\frac{1}{2}$  denarii (*[τ]ῶν δὲ νούμμων εἰς δώδεκα ἡμισυ Ἀττικάς*). It is hard to resist the conclusion that this document refers to the same operation as *P. Ryl.* 607, and states that the nummus, which had previously been raised to 25 denarii is now reduced to  $12\frac{1}{2}$ .

*P.S.I.* 965 is also fragmentary. The opening four lines state that the emperors have issued the *Edictum de Pretiis*, lines 5 and 6 are concerned with currency changes. Line 5 alludes to denarii (*Ἀττικῆς*), line 6 (*τὸ δὲ μέχρι τῆς δεῦρο ἀντὶ τοῦ δύο καὶ δέκα [καὶ ἡμισυ]*) may indicate that the coin hitherto current is to be valued at twelve (and a half denarii?).

It may be added that some half nummi of Licinius are marked *xiiis*.



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## Census Records of the Later Roman Empire

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# CENSUS RECORDS OF THE LATER ROMAN EMPIRE

By A. H. M. JONES

There survive from a number of places in Western Asia Minor and the islands of the Aegean inscriptions recording census registrations. They are undated, but were probably engraved in the late third or early fourth century A.D., when Diocletian and his colleagues and successors are known to have been active in carrying out censuses to serve as the basis of their new system of taxation. All are fragmentary, but some are of sufficient length to yield results of some statistical value on the distribution of landed property, on the density of the agricultural population, and on the proportion of slave to free labour. In view of the extreme paucity of any statistical data for the ancient world they are worth analysis.

These records are drawn up on different systems and each requires separate study. They are, however, all based on certain general principles laid down by imperial enactments. They record quantities of land and of persons and animals on the land. In some inscriptions land is recorded by its agricultural use and areas; arable, vineyard, pasture (these all in *iugera*; one *iugerum* =  $\frac{5}{8}$  acre), and olives (these by the individual tree). In one small fragment from Lesbos<sup>1</sup> arable, vineyard, and olives are each divided into two categories according to their quality. In other inscriptions the land is recorded in *iuga*. The *iugum* was a unit of assessment and corresponded to a varying quantity of land according to its use and quality. The Syro-Roman lawbook<sup>2</sup> preserves the schedule established by Diocletian for Syria and still in use there in the late fifth century. Here 1 *iugum* = 20 *iugera* of 1st class arable = 40 *iugera* of 2nd class arable = 60 *iugera* of 3rd class arable = 5 *iugera* of vineyard = 220 *perticae* (= 1.1 *iugera*) of old olive trees = 450 *perticae* (= 2.25 *iugera*) of mountain olive trees. In Asia Minor the schedule in the early fourth century seems to have been very different. This emerges from an inscription of Thera<sup>3</sup> where an original record in *iugera* of arable and vineyard and in olive trees has been later converted into *iuga*. It is a record of farms lately, it would seem, in the possession of one Paregorius and now divided among his heirs. The original record may be tabulated as follows:—

| Name of Farm   | Arable<br>(in iugera) | Vineyard<br>(in iugera) | Olive trees | Stock                      |
|--|-----------------------|-------------------------|-------------|----------------------------|
| Property of Euphrosyne, daughter of Paregorius   |                       |                         |             |                            |
| A  | 40                    | 2½ ¼                    | 3           | —                          |
| B  | 28½                   | 103                     | 67          | —                          |
| C  | 30                    | —                       | —           | —                          |
| D  | 18                    | —                       | 27          | —                          |
| Property of Paregorius according to the declaration of Lucianus  |                       |                         |             |                            |
| E  | 3½                    | —                       | 30          | 2 oxen<br>1 ass<br>8 sheep |
| Property of the heirs of Paregorius deceased according to the registration of Scepticus: Euporia, Paregorius, Sophronius |                       |                         |             |                            |
| F  | 60                    | 50                      | 143         | —                          |
| G  | 26                    | 8                       | 18          | —                          |
| H  | 138                   | 30                      | 286         | —                          |
| I  | 6                     | —                       | —           | —                          |
| J  | 70                    | 10 1/11                 | 6           | —                          |

At the end of l. C, which is shorter, have been later inserted the words 'they make 1½ ⅓ 4/6 *iuga* or *capita*'. At the end of l. D, which is also short, is inserted 'it makes ⅓ 1/30 3/100 *iuga* or *capita*', and in the margin on the right of G and H, '8½ 1/5 *iuga* or *capita*'.<sup>4</sup>

André Déléage, who analysed this inscription in his *Capitation dans le Bas Empire*

<sup>1</sup> IG XII, ii, 79. This was presumably a refinement found too complicated and soon abandoned.

<sup>2</sup> Riccobono, *Fontes iuris Romani*<sup>2</sup> II (1940), pp. 795-6 (§ 121).

<sup>3</sup> IG XII, iii, 343.

<sup>4</sup> (C) ἐχουσιν κζ α (γ' μς : (D) ἐχ' κζ ε' λ' τ' : (G and H) κζ ημε.

173 ff., failed to perceive the significance of the third entry, and thought that the first applied to farms A, B, C, and second to farm D. It is, however, more probable that each note applies to the property of one owner, the first to farms A–D, the second to farm E, and the third to farms F–J. The position of the first two notes, the one beside and the other over the property to which they respectively refer, is due to exigencies of space.

One figure, as M. Déleage observed, must be wrong, either an engraver's error or a mistake by the modern copyist. If the 103 *iugera* of vineyard in farm B is correct, no reasonable schedule of values will work; for vineyard must have been much more valuable than arable. If this figure be corrected to  $9\frac{1}{3}$  (which is epigraphically plausible)<sup>5</sup> it is possible to make a reasonable guess at the approximate schedule. The problem may be summarized as follows:—

| Arable            |   | Vineyard          |   | Olives |   | Stock   |   | iuga   |
|-------------------|---|-------------------|---|--------|---|---------|---|--|
| 116 $\frac{1}{2}$ | + | 121 $\frac{1}{2}$ | + | 97     | + | 0       | = | 1 $\frac{1}{2}$ $\frac{1}{3}$ $\frac{1}{4}$ (1·8551) |
| 350               | + | 0                 | + | 30     | + | 2 oxen  |   |  |
|                   |   |                   |   |        |   | 1 ass   |   |  |
|                   |   |                   |   |        |   | 8 sheep | = | $\frac{1}{3}$ $\frac{1}{3}$ $\frac{1}{3}$ (·2366)    |
| 300               | + | 98 $\frac{1}{3}$  | + | 453    | + | 0       | = | 8 $\frac{1}{4}$ (8·0202)                             |

If one *iugum* be equated with 100 *iugera* of arable or 24 *iugera* of vineyard or 480 olive trees, the sum works out approximately (leaving about  $\frac{1}{3}$  *caput* or *iugum* for the animals on farm E), though it seems impossible to reconstruct the arithmetical processes whereby the *tabularius* reached his curious fractions. The figures must at any rate be of this order of magnitude.

The persons and animals are similarly in some inscriptions recorded individually in detail, in others converted into *capita*. The *caput* was, like the *iugum*, an ideal unit of assessment and was equal in value to the *iugum*, as is shown by one inscription in which the numbers of *iuga* (ζύγα) and *capita* (κεφαλαί) on each farm are added together to a total of *iuga vel capita* (ζυγοκεφαλαί).<sup>6</sup> Animals were evidently rated at small fractions if 2 oxen, 1 ass, and 8 sheep added up to about  $\frac{1}{3}$  of a *caput*. Unfortunately there is only one clue in the inscriptions to indicate how many human beings went to a *caput*. A declaration from Hypaepa<sup>7</sup> runs: 'Aurelius Synodius son of Dracontius, Hypaepene resident in my own house—myself, aged 20: total 1.' Two early-fourth century imperial constitutions<sup>8</sup> clearly imply that a woman like a man was rated at a full *caput*, in the areas at any rate to which these constitutions applied, that is Illyricum and Oriens. In Egypt it would seem that according to immemorial custom only males were registered.<sup>9</sup> On the other hand a constitution of 386<sup>10</sup> addressed to the praetorian prefect of the East announces that, whereas formerly one man or two women were reckoned as one *caput*, four women or two-and-a-half men now count as such, and orders the prefect to apply this rule to certain cities of the Pontic diocese then being reassessed by a *peraequator*. We cannot be certain what scale of values applied in our inscriptions, but it is likely to have been one *caput* = 1 man = two women. In that case, assuming the sexes were equally balanced, one *caput* would on an average represent  $1\frac{1}{3}$  persons. Small children, down to two years old, are registered in some inscriptions<sup>11</sup> but it is certain that they were not technically *censiti*. The age at which they became

<sup>5</sup> The printed text gives ΠΓ; ΘΓ' would mean  $9\frac{1}{3}$ .

<sup>6</sup> IG XII, iii, 180, as read by Déleage, *La Capitation dans le Bas Empire* pp. 190–4.

<sup>7</sup> Keil and Premerstein, 'Dritte Reise in Lydien,' *Denkschr. Ak. Wien* 1914, no. 85.

<sup>8</sup> 'Table of Brigetio' (311), Riccobono, *Fontes iuris Romani* 1<sup>2</sup> (1940) 93, 'ab annonario titulo duo kapita excusent, id est tam suum quam uxoris suae,' *Cod. Theod.* vii, xx, 4 (325), 'duo capita excusaturis, id est suum atque uxoris.' The first was published at Brigetio in Pannonia (where the inscription was found), the second at Antioch (the title of the recipient Maximus is wrongly given as PU in the Codex: he was probably *vicarius Orientis*, see Seeck, *Regesten*, p. 118).

<sup>9</sup> This was the rule of the λαογραφία of the principate (Wilcken, *Grundzüge*, p. 189). That it remained the rule after Diocletian is a fairly certain inference from the fact that the nine persons declared by Aurelius Sacaon in 310 (Wilcken, *Chrestomathie* 210, cf. also SB 7673) are all males. The corresponding tax in early Arab times, *andrisimós* (the name is now proved by *P. Ryl.* iv, 658, to date back to the fourth century), certainly fell on males only (see Bell in the introduction to *P. Lond.* iv, 1419).

<sup>10</sup> *Cod. Theod.* XIII, xi, 2.

<sup>11</sup> IG XII, iii, 343, 346; Keil and Premerstein, l.c. (see note 7).

liable to tax seems to have varied in different districts ; in Syria it was 12 for females and 14 for males. There was also an upper age limit, which was 65 for both sexes in Syria.<sup>12</sup>

All the census records save one which are preserved are concerned with the estates of landlords who were not cultivators. It is a matter of some importance to determine what categories of persons were registered on these estates. Those recorded include rural slaves and free tenants. Rural slaves could in the early fourth century be sold apart from the land they cultivated, but if so had to be entered in the census of their new owner<sup>13</sup> and could not be withdrawn by the owner from agricultural employment.<sup>14</sup> In the inscriptions they are sometimes recorded on the separate farms<sup>15</sup> but sometimes segregated under a special heading, either with a note of their domicile<sup>16</sup> or under the rubric 'on the land'.<sup>17</sup> From 371 rural slaves were tied to the actual land which they cultivated and could only be sold with it.<sup>18</sup> Free tenants (*coloni*) were registered in their landlord's census only if they owned no land of their own, and in this case the landlord was (from 371) responsible for collecting the tax due on their *capita*. If on the other hand a *colonus* owned even the smallest plot of land he was registered independently ('*proprio nomine*') in the census and his capitation tax was (after as before 371) collected by a public official.<sup>19</sup> It must therefore be borne in mind that the *capita* registered in our lists do not necessarily represent all the manpower employed on the land, since some farms are likely to have been let to adjacent small freeholders. Tenants entered on the census ('*coloni adscripti censibus*') of their landlord were tied to their farms, and are accordingly always entered on individual farms on the lists. Other tenants were apparently entered on their village census ('*adscripti vico*'),<sup>20</sup> but not tied to the farm they leased.

One further point needs noting. In registers which reckon in *iuga* and *capita* only the landlord's animals appear separately rated, or sometimes totalized with his slaves.<sup>21</sup> Tenants' animals are, as appears from the small fractions recorded, added to the *capita* of their owners. Similarly in census lists which record individuals some animals (the landlord's) are recorded with the slaves, some with the families of the tenants.<sup>22</sup> Tenant's slaves, if any, would presumably be on the same principle included in their owner's *capitatio*: no such slaves appear on the detailed registers. These facts are unlikely greatly to affect the statistical value of *capita* either in reckoning the number of persons they represent or the proportion

<sup>12</sup> *Dig. L*, xv, 3. This citation from Ulpian was presumably preserved by the compilers of the *Digest* because still valid. The edict of Aurelius Optatus (*SB* 7622) shows that Diocletian in 297 laid down lower and upper age limits for Egypt, but they are not known, save that in Aurelius Isidore's declaration (*SB* 7673) a boy of 3 is exempt (*ἀτέλης*) but in Aurelius Sacaon's (*Chr.* i, 210) one of 12 pays tax (*ὑποτέλης*) and a man of 55 is still liable.

<sup>13</sup> *Cod. Theod.* xi, iii, 2 (327), '*mancia adscripta censibus intra provinciae terminos distrahantur, et qui emptione dominium nacti fuerint inspiciendum sibi esse cognoscant.*'

<sup>14</sup> *Cod. Theod.* vii, i, 3 (341), '*quicumque militum ex nostra auctoritate familias suas ad se venire meruerint, non amplius quam coniugia liberos servos etiam de peculio castrensi emptos neque adscriptos censibus ad eosdem excellentia tua dirigi faciat.*'

<sup>15</sup> At Chios (*Délégé*, o.c., pp. 182-6) and Lesbos (*IG* xii, ii, 76d, 78c).

<sup>16</sup> At Tralles (*BCH* 1880, 336-8).

<sup>17</sup> At Thera (*IG* xii, iii, 343).

<sup>18</sup> *Cod. Just.* xi, xlviii, 7 (371), '*quemadmodum originarios absque terra ita rusticos censitosque servos vendi omnifariam non licebit.*'

<sup>19</sup> *Cod. Theod.* xi, i, 14 (371), '*pene quos fundorum dominia sunt, pro his colonis originalibus quos in locis isdem census esse constabit vel per se vel per actores proprios recepta compulsionis sollicitudine implenda munia functionis agnoscant. sane quibus terrarum erit quantalacumque possessio, qui in suis conscriptis locis proprio nomine libris censualibus*

*detinentur, ab huius praecepti communione discernimus. eos enim convenit propriae commissos mediocritati annonarias functiones sub solito exactore cognoscere.*'

<sup>20</sup> *Cod. Theod.* xi, xxiv, 6 (415).

<sup>21</sup> At Chios (*Délégé*, o.c. pp. 182-6) some farms have *παροίκων κεφαλαί* only (*coloni*, clearly including their animals, since they must have had some), others have *παροίκων κεφαλαί* and *δούλων κεφαλαί* and *ζώων κεφαλαί*. At Tralles (*BCH* 1880, pp. 336-8) the figures of *κεφαλαί* attached to each farm clearly include animals, since they contain small fractions. Some owners record above their farms *δούλων καὶ ζώων κεφαλαί* and some *ζώων κεφαλαί* as well. The former are animals in charge of the slaves, the latter presumably animals supplied for the use of the *coloni*. In this list some owners have a fractional figure of *ζώων κεφαλαί* immediately after their names. These are presumably animals kept at the owner's residence in town. The other animals are specified as being on this or that farm.

<sup>22</sup> At Thera (*IG* xii, iii, 343, 346). In Lesbos (*IG* xii, ii, 76) few farms have animals. Those registered without comment presumably belonged to the landowner. Other entries of the form *βοῦς δ' Ἐλπίδηφόρος*: ἵππον α' Κυζίκιος καὶ Ἐλπίδηφόρος, presumably mean that Elpidophorus declared 4 oxen and he and Cyzicius 1 horse. Elpidophorus is known as tenant of another farm (*IG* xii, ii, 79) which had no pasture. He presumably kept his beasts on a farm of which he was neither owner nor tenant.



of slaves to free men, since animals were rated at very small fractions of a *caput*, and tenants, judging by the detailed records, owned few animals and no slaves.

One fact emerges at a first glance at the lists—the fragmentation of agricultural property. The landlords concerned, some considerable, some of medium wealth, do not as a rule own large continuous estates but a great number of scattered properties, ranging from large farms to small holdings. The estate of Paregorius,<sup>23</sup> before division between his heirs, amounted in all to 420 *iugera* of arable, 110 *iugera* of vineyard, and 580 olive trees, and was assessed at about 10 *iuga*, but it was composed of 3 largish farms, 5 smaller farms, and 2 small holdings. Another owner in Thera, whose name is lost, but who was somehow connected with one Attalus, a Roman senator,<sup>24</sup> owned more than 20 farms (the list is incomplete at the bottom), all fairly small: for 16 farms whose figures are more or less intact the totals are 560 *iugera* of arable, 121 *iugera* of vineyard, and about 1,500 olive trees, which would have been assessed at about 13 $\frac{3}{4}$  *iuga* in all. Another Thera list,<sup>25</sup> incomplete both at top and bottom, records 17 farms of which the 14 whose figures survive total 492 $\frac{1}{2}$  *iugera* of arable, 72 of vineyard, and 426 olive trees: this would make up 8 $\frac{3}{4}$  *iuga*. From Lesbos<sup>26</sup> we possess another list of farms incomplete at both ends. The 14 farms whose figures survive total 1,420 *iugera* of arable, 109 of vineyard, 5,200 olive trees, and over 925 *iugera* of pasture. Ignoring the last item, whose valuation is unknown but was probably very low, the total *iugatio* works out at about 30. Eight holdings are small, ranging from 19 to 9 *iugera* of arable and vineyard combined but well stocked with olive trees. Three are of moderate size (two of c. 125, two of c. 65, and one of 52 $\frac{1}{2}$  *iugera*): the average is brought up by three large arable farms of 429 $\frac{1}{2}$ , 305 $\frac{7}{10}$ , and 294 $\frac{7}{8}$ .

Turning to lists drawn up in *iuga*, Heracleides<sup>27</sup> of Astypalaea owned about 10 $\frac{1}{2}$  *iuga* distributed in 8 farms of moderate size and 2 small holdings. At Tralles<sup>28</sup> Critias, a decurion, owned 20 $\frac{1}{2}$  *iuga* distributed in 7 holdings, two quite small, one of nearly 2 *iuga*, two of 3 $\frac{1}{2}$  to 4, one of nearly 5, and one of over 6. Latron, another decurion, possessed over 17 *iuga*; of his four farms two were of moderate size, under 2 *iuga* each, another of 6, and another of 8. Fulvius, a priest, owned only about 3 $\frac{1}{4}$  *iuga*, comprising one largish farm and one tiny holding. Tatianus, a decurion, is the wealthiest man of these lists, holding over 57 $\frac{1}{2}$  *iuga* in 14 units. Six of these are quite small (under one *iugum*), three moderate (1 $\frac{1}{2}$  to 3 $\frac{1}{2}$ ), four substantial (just under 5 to just over 6), and one very large (just over 17 $\frac{1}{2}$ ).

A similar result emerges from the list at Magnesia on the Maeander.<sup>29</sup> In this the farms are not grouped under their owner's names but in alphabetical order (or rather under their initial letters), with the owner's name, the *iugatio* and the *capitatio* after each. The surviving portions contain 36 farms from letter A, 36 from letter B, 9 from E, and 15 whose initials are lost. Of the 81 farms whose figures survive, 26 are under one *iugum*, 20 between one and two, 8 between two and three, 6 between three and four. There are 8 of over four and under seven, 9 of over eight and under twelve, one of thirteen odd, one of fifteen odd, and one of twenty-one odd *iuga*. Finally there is one huge estate of 75 *iuga*, the property of a Roman senator.

Of the 96 farms recorded some will no doubt have been individual holdings, but a fair number were parts of larger properties. It is notable that in the very small part of the alphabet surviving (and there is reason to believe that even the As and Bs are incomplete),<sup>30</sup> twelve owners, out of about 65 in all, own more than one farm (35 farms between them).<sup>31</sup>

<sup>23</sup> *IG* XII, iii, 343.

<sup>24</sup> *IG* XII, iii, 345. The words at the end of line 1 should be read Ἀττάλου λαμπ(ροτάτου). Excluding the heading 16 lines survive, and some lines seem to contain two farms (ll. 9, 10, 12, and probably 2 and 3). I have omitted lines 2–3 and 14 from my calculations as their figures are incomplete.

<sup>25</sup> *IG* XII, iii, 346.

<sup>26</sup> *IG* XII, ii, 76.

<sup>27</sup> *IG* XII, iii, 180, as read by Déléage, o.c., pp. 190–4.

<sup>28</sup> *BCH* 1880, 336–8.

<sup>29</sup> Kern, *Inscripfen von Magnesia am Maeander*,

no. 122. In the calculations which follow I have followed the editor's interpretation of the figures except as specified in note 48 below (p. 54).

<sup>30</sup> On block *b* (probably As) there are on the right the initial Bs of a lost column of farms.

<sup>31</sup> Valerianus son of Romus (a 1, e 17–8), Variana (a 10, b 15), Patroina (b 4, e 14, g 3), Paulus philosebastos (a 7, f 7–8, g 4), Pisticus (b 12, 18, d 16–7), Priscillianus v.c. (a 12–3), Severianus the tribune (b 1–2, 9, d 5, e 7), Tychicus son of Eugnomonius (e 4–5, f 6), Tyrannus (e 1 and 3, 12), Tyrannus the Asiarch (e 10–11), Eutychis of Ephesus (d 12, e 13), Philip of Tralles (b 7, g 1).

Fourteen are citizens of neighbouring cities, Ephesus, Tralles, and Colophon,<sup>32</sup> and almost certainly owned property in their home towns as well. Others are of such high status that they must have owned more than the small lots recorded in the surviving parts of the list. These include three men and two women of senatorial rank<sup>33</sup> (excluding the owner of the 75 *iuga* estate),<sup>34</sup> two *perfectissimi*,<sup>35</sup> one Asiarch,<sup>36</sup> and six styled Philosebasti, which probably means decurions of the city.<sup>37</sup> Severianus the tribune,<sup>38</sup> who is recorded as owning five farms, one of 13 +, one of 9 +, one of 2 + *iuga* and two without figures, under letters A and B, is likely to have owned some properties in other letters of the alphabet.

The great senatorial estate of 75 *iuga* would be even by modern standards considerable. If the *iugatio* was split evenly between arable on the one hand and vineyards and olives on the other, which seems by the Thera and Lesbian records fairly normal, it might have comprised say 3,200 *iugera* (2,000 acres) of arable, 400 *iugera* (225 acres) of vineyard, and 8,000 olives. This is, however, a quite exceptional estate, four or five times as big as the largest otherwise recorded, 21 *iuga* (Pollio, a decurion of Magnesia),<sup>39</sup> 17½ (Tatianus, decurion of Tralles),<sup>40</sup> 15½ (a lady named Patroina of Magnesia, who is recorded as owning two other farms, one of 10½ and the other of unknown size),<sup>41</sup> and nearly 14 (one of the five recorded holdings of Severianus the tribune).<sup>42</sup> Next come ten farms (nine at Magnesia and one at Tralles) ranging from 8 to under 12, and fifteen from 4 to under 7 (8 at Magnesia and 7 at Tralles). These in their turn have a greater assessable value than all but the largest farms recorded elsewhere; the two biggest farms of Lesbos would have been rated at only about 4¾ to 5.<sup>43</sup> One of these has a large area (430 *iugera* of arable and 240 of pasture), as it contains little vineyard or olives. The other has 250 *iugera* only, but makes up with 1,000 olive trees.

On the density of the agricultural population the detailed inscriptions unfortunately yield virtually no information. They tell us that farm G (Politike) in Paregorius' estate in Thera (26 *iugera* of arable, 8 *iugera* of vineyard, and 18 olive trees) was cultivated by one *colonus* (Theodorus, aged 30) and his wife, aged 20: he had a baby daughter, aged 2, and one ox and some (ten?) sheep.<sup>44</sup> His farm would be rated at ⅔ of a *iugum*, its population at 1½ + if his wife was reckoned as a half. At Lesbos<sup>45</sup> on the other hand, a *colonus* named Dionysius (the size of his family is not recorded) leased two farms, whose total area was 105 *iugera* arable, 10½ vineyard, 216 plus an unknown number of olives, and 70 *iugera* of pasture. A man of the same name had a half interest in another farm containing 119 *iugera* of second class plus an unknown quantity of first class arable, 1 *iugerum* of vineyard, 138 olive trees, and 75 *iugera* of pasture. The two farms would be rated at 2 or little more *iuga*, the third at 1½ at least. Dionysius then (with his family) cultivated at least 2 and perhaps as much as 3 *iuga*. Another *colonus*, Elpidephorus (family again unknown), held a farm of 25 *iugera* of arable, more than 4 *iugera* of vineyard and 1,009 olive trees—close on 5 *iuga*. He also apparently owned four oxen and a half share in a horse, which he kept in another farm, having no pasture of his own.

We have therefore to rely on censuses which are assessed in *iuga* and *capita*, and any results will depend on the validity of the conversion scale into *iuga* worked out earlier in this paper, and on the definitions of a *caput* given in the Code. On the census of Heracleides of Astypalaea<sup>46</sup> his eight farms are assessed first in total of *iuga* + *capita* (ζκ), then in

<sup>32</sup> Trallians, b 7, 14, 16, c 3, d 3; Ephesians, d 4, 8, 12, e 13, 15, f 9, h 2; Colophonian, h 5.

<sup>33</sup> Capitolinus (d 6), Eutychus (d 15), Priscillianus (a 12-3), Aristocleia (b 3), Hermonactiane (d 9).

<sup>34</sup> c 2; of his name only -NUS survives and he may be identical with Capitolinus (d 6).

<sup>35</sup> Maximianus (a 9), Metrodorus (a 5).

<sup>36</sup> Tyrannus (e 10-1).

<sup>37</sup> Heracleides (g 2), Mandrogenes (a 9), Paulus (a 7, f 7-8, g 4), Phanius (f 4), Pollio (d 1), Tychicus (a 8). The council of Magnesia is styled ἡ φιλοσέβαστος βουλή in nos. 179 and 193. Unless Philosebastos means member of the council, the absence of decurions would be strange.

<sup>38</sup> See n. 31.

<sup>39</sup> See n. 37.

<sup>40</sup> See n. 28.

<sup>41</sup> See n. 31.

<sup>42</sup> See n. 31.

<sup>43</sup> IG XII, ii, 76a, 79.

<sup>44</sup> IG XII, iii, 343.

<sup>45</sup> IG XII, ii, 79. Elpidephorus' animals appear on no. 76e.

<sup>46</sup> IG XII, iii, 180. There is a mysterious fourth column of figures on the right which Déleage (o.c., pp. 190-4) interprets as *capita animalium*. I cannot explain them, but I cannot accept Déleage's theory both for the reason given in the text and because the items are clearly labelled *iuga* (Υ) or *iuga vel capita* (ΖΚ or ΖΥΓΚ).

*iuga* of land ( $\gamma\eta\varsigma \zeta$ ) and thirdly in *capita* of human beings ( $\acute{\alpha}\nu\theta\rho' \kappa$ ): the last heading must include animals as the entries contain fractions down to  $\frac{1}{500}$ ,  $\frac{1}{700}$ , and  $\frac{1}{850}$ . In this list land to the value of  $10\frac{1}{2}$  *iuga* corresponds to about  $13\frac{1}{2}$  *capita*, of which a maximum of  $11\frac{1}{2}$  (the sum of the integers plus halves) can represent human beings. Every farm (as opposed to the two small holdings, which were presumably worked by neighbouring freeholders) has its *capita*. These may not represent their whole agricultural manpower, for one farm of  $1\frac{1}{2}$  *iuga* has only  $\frac{3}{4}$  *capita*. It seems unlikely that one woman ( $\frac{1}{2}$  *caput*; the remaining  $\frac{1}{4}$  is presumably animals) can have cultivated it single-handed and she may have sublet part of the farm to neighbouring freeholders or tenants of other estates, who would be registered in their villages or under other landlords; or she may have employed hired labour from similar sources. But even if two or three *capita* be added, the ratio would work out at an average of only about  $1\frac{1}{3}$  *capita* or  $1\frac{3}{4}$  persons to the *iugum*.

Similar results emerge for the registers at Tralles.<sup>47</sup> The priest Fulvius has 4 *capita* (omitting the smaller fractions) on his  $3\frac{1}{5}$  *iuga*; curiously enough there are only  $1\frac{1}{2}$  on his 3 *iuga* farm, and  $2\frac{1}{2}$  on his tiny plot of one-fifth of a *iugum*. The great landlord Tatianus has a maximum of  $65\frac{1}{2}$  human *capita* on his  $51\frac{1}{2}$  *iuga*. Their distribution is curious. In the village of Monnara, where he owned slightly less than one *iugum*, he registers more than  $3\frac{1}{2}$  *capita* of slaves and animals, nearly 4 *capita* of animals, and over  $15\frac{1}{2}$  *capita* of free tenants (with their animals). Monnara was evidently a centre at which Tatianus housed his tenants and slaves and stabled his plough-oxen and flocks and herds for a number of neighbouring farms. Over  $4\frac{1}{4}$  *capita* of slaves and animals also are registered at the village of Paradeisus, where he is recorded to have held only two small parcels of land of  $\frac{5}{8}$  and  $\frac{1}{16}$  *iuga*. On the other hand the big farm of  $17\frac{1}{2}$  *iuga* has only 9 *capita*, and a farm of over  $1\frac{1}{2}$  *iuga* has none. The estates of Critias and Latron yield no figures, as the stone is broken away on the extreme right and most of the figures of the *capita* have vanished. The average at Tralles is again  $1\frac{1}{3}$  *capita* to the *iugum*.

Some more figures come from Magnesia on the Maeander. After eliminating doubtful cases where one or other figure is missing or illegible,<sup>48</sup> 29 farms, totalling 183 *iuga*, are registered with *capita*, totalling 212, while 43 farms, which represent 80 *iuga*, have no *capita* at all. The former group comprises mainly large or medium farms, but it is noteworthy that some quite small holdings have large populations: one of  $\frac{1}{5}$   $\frac{1}{30}$   $\frac{1}{600}$  of a *iugum* has  $5\frac{1}{4}$  *capita*, another of  $\frac{1}{2}$   $\frac{1}{4}$   $\frac{1}{20}$  has  $9\frac{1}{2}$   $\frac{1}{10}$  and one of  $1\frac{1}{4}$   $\frac{1}{50}$  has  $15\frac{1}{2}$   $\frac{1}{120}$ .<sup>49</sup> On the other hand some large farms are poorly manned. The great estate of 75 *iuga* has only 42 *capita*, the one of  $15\frac{1}{2}$  + only 7 +, and one of  $10\frac{1}{2}$  + only 3 +.<sup>50</sup> The surplus population on the small holdings no doubt worked on the larger estates which were undermanned or had no *capita* registered on them. The farms without *capita* are mostly small holdings of under one *iugum* or a little over, but include some larger farms, two of 3 +, one of 4 +, one of 5 +, two of 6 +, and one of 10 +.<sup>51</sup>

Taking the farms with registered *capita* only, the manpower situation seems worse in Magnesia than elsewhere—only  $1\frac{1}{3}$  *capita* on the average per *iugum*. If the farms without *capita* be taken into account, the average of *capita* to *iuga* falls to about four-fifths. It seems scarcely possible that these figures can represent the whole rural population. It is probable that the list records only the estates owned by urban residents (like the Hermopolite list

<sup>47</sup> BCH 1880, 336–8. In Tatian's estate I read the figure of *capita* for 'Αγρὸς Ἀραπα (line 24) at  $3\frac{1}{30}$   $\frac{1}{100}$  not  $\frac{1}{3}$   $\frac{1}{30}$   $\frac{1}{100}$  (Γ'Α'Ρ' for Γ'Α'Ρ') as there cannot have been less than  $\frac{1}{2}$  a *caput* of *coloni*. In the text as printed the fact that the stone is broken away on the right towards the bottom is not obvious, but it should be noted that in lines 35 and 41 the symbol κ is followed by no figure and that some fractions must be missing in Latron's figures of *iugatio* to make up the total.

<sup>48</sup> These are a 1, a 12, c 1, c 4, c 6, d 1–2 (where by the position of the *iuga* figures there were probably *capita* figures following as in d 12), d 5 and 16 (when the jumble of confused symbols probably

conceals *capita* figures), e 3, e 18, f 9 (where again there is a jumble of figures as in d 5 and 16), g 1, h 1. In b 18 I read Z δ < δ κ Κ9ΑΓ' as *iuga*  $4\frac{1}{2}$   $\frac{1}{4}$   $\frac{1}{30}$  *capita*  $11\frac{1}{3}$  (not  $91\frac{1}{3}$ , which would be absurd); that is, I assume that the *capita* figure was ΙΑΓ and the loop a fault in the stone. The following have no figures at all: b 1–6, d 17–8, e 1, 2, h 2. I read b 10, ZK as *iuga*  $\frac{1}{20}$  (the editor wrongly writes 20) and a 5, Κ5ΧΙ' as *capita*  $6\frac{1}{80}$  (not  $\frac{1}{8}$   $\frac{1}{80}$  as the editor wrongly renders it).

<sup>49</sup> g 4, e 11, b 12. Other farms with an excessive capitulation are a 5, 6, 9, b 7, e 4.

<sup>50</sup> c 2, e 14, c 5.

<sup>51</sup> d 9, f 8, f 7, e 8, h 4, e 13, e 17.

analysed below), and does not include villages of peasant proprietors, which were separately recorded elsewhere.

A tiny fragment of a register of villages survives from Hypaepa.<sup>52</sup> It runs :—

‘ Cinamura including (non-residents) owning (land) in (the village)—*iuga* . . .  
Dideiphyta including (non-residents) owning (land) in (the village) . . . ’

Two other blocks from Hypaepa give the detailed declarations on which such a list was based. On one block<sup>53</sup> are a number of entries, all very fragmentary, which seem to follow a uniform pattern : so-and-so, son of so-and-so, Hypaepene, resident in such and such a village, owner of land in Hypaepa in the village of Dideiphyta—vineyard : so many *iugera*—total : so much. These are the ‘ non residents owning land in the village ’ on the list. On the other block<sup>54</sup> there are four entries of the form : ‘ so-and-so son of so-and-so, Hypaepene, resident in my own house—myself, aged so many years ’, followed by other members of the household with names, relationships and ages, and animals (if any)—total, so much. In a fifth entry the family is followed by a declaration of land—‘ vineyard,  $3\frac{1}{2}$  *iugera* ; arable,  $4\frac{1}{6}$  *iugera*, olive trees . . . ’ and this again by a note : ‘ in the village of Poste olives . . .  $1\frac{1}{3}$   $1\frac{1}{5}$  *iugera* : declared (?) ’. This block is taken by M. Délage (o.c., 164–9) to be part of the urban register of the city of Hypaepa. This is possible. Under Diocletian the *plebs urbana* had been exempt from the *census* and the *capitatio*, but Galerius (and apparently Maximin) reversed this ruling ; Licinius in 313 once again exempted the urban population and this remained the rule.<sup>55</sup> An urban register of Hypaepa would then have been drawn up by Galerius, and our inscription might record it. The small holding of cultivated land registered would then have been within the walls of the city, which is not inconceivable. On the other hand it would seem more likely that both blocks refer to the village of Dideiphyta. The declarations on the second block would make no reference to it because they would all be under the heading Dideiphyta. Those on the first block mention Dideiphyta in each case because they are extracted from declarations made in other villages by the owners ; the holding of the Dideiphytene villager in the village of Poste will have been similarly transferred to the register of Poste. If our inscription is a village register, the large number of landless peasants is notable, so too is the exiguous size of the recorded holding. These facts may help to explain where the labour came from which worked the estates of the big landlords.

It is possible from this record and the Theran lists of *coloni*<sup>56</sup> to draw up a table of nine complete peasant households. They are as follows ; the figures represent ages, a cross that the age is unknown :—

|     | <i>Man</i> | <i>Wife</i> | <i>Sons</i>    | <i>Daughters</i> | <i>Others</i>                     |
|-----|------------|-------------|----------------|------------------|-----------------------------------|
| (a) | +          | —           | —              | —                | Mother (48)<br>Sister (11)        |
| (b) | 20         | —           | —              | —                | —                                 |
| (c) | 56         | —           | { 3<br>under 3 | —                | { a woman (48)<br>a boy (under 3) |
| (d) | 40         | —           | 20             | —                | a woman (30)                      |
| (e) | 30         | 30          | 3              | —                | 2 boys (1)                        |
| (f) | —          | 20          | —              | 2                | —                                 |
| (g) | 65         | + ?         | 14, 11 (?), 6  | 12               | —                                 |
| (h) | 60         | 52          | +              | +                | —                                 |
| (i) | +          | —           | 11             | —                | —                                 |

The woman and boy in (c) are both labelled ο or θ, which might stand for ὀρφανός (orphan) or θρεπτός (foundling). The woman in (d), whose description, if any, has

<sup>52</sup> Keil and Premerstein, o.c., no. 87,  
Κινάμουρα σὺν τοῖς ἐνκεκτημῇ · ζῦ . . .  
Διδείφυτα σὺν τοῖς ἐνκεκτημῇ . . .

<sup>53</sup> o.c., no. 86.

<sup>54</sup> o.c., no. 85.

<sup>55</sup> Lactantius, *de Mort. Persec.* 23, ‘ hominum capita notabantur, in civitatibus urbanae et rusticae plebes adunatae, fora omnia gregibus familiarum referta, unusquisque cum liberis cum servis aderant ’

(speaking of Galerius): *Cod. Theod.* XIII, x, 2 (313). ‘ plebs urbana, sicut in Orientalibus quoque provinciis observatur, minime in censibus pro capitazione sua conveniatur, sed iuxta iussionem nostram immunis habeatur, sicuti etiam sub domino et parente nostro Diocletiano Seniore Augusto eadem plebs immunis fuerat ’ (Licinius to the governor of Lycia-Pamphylia after the fall of Maximin).

<sup>56</sup> *IG* XII, iii, 343, 346.

perished, might be a second wife. One boy in (e) with no description may be a son: the other bears the same name as the son of 3, and is labelled  $\pi\rho\omicron\varsigma \ \epsilon\delta$  . . . which might mean nephew. The sample is too small to be of statistical value, but the uniformly small size of the families is suggestive and helps to explain why agricultural labour was so scanty.

If the above calculations are correct, there must have been an acute shortage of labour on the land. To a peasant family consisting of man and wife and a son and a daughter over fourteen, rated at three *capita*, there corresponded land to the value of  $2\frac{1}{4}$  to  $2\frac{1}{2}$  *iuga*. This, if entirely arable, would amount to 225 to 250 *iugera* (140 to 155 acres); if, as was more usual, partly in vineyard and olives, would represent perhaps 120 *iugera* (75 acres) of arable, 15 *iugera* (10 acres) of vineyard, and 250 to 300 olives. In the second century B.C. colonial land allotments were usually at rates of 5, 6, 8, or 10 *iugera* to each applicant (who would often have a wife and family);<sup>57</sup> in three colonies where land was particularly abundant, exceptional grants of 50 *iugera* were made.<sup>58</sup> Caesar in his consulship allotted land in farms of 10 *iugera* to married men with three or more children.<sup>59</sup> From 5 to 10 *iugera* was no doubt the minimum small holding which would (tax-free) support a family, whereas the *coloni* of our inscriptions had to pay heavy taxes (mostly in kind) and rent as well, but the disproportion between the figures of the second and first centuries B.C. and those of the fourth century A.D. remains striking.

A more relevant comparison is perhaps with the figures given by agricultural experts of an earlier period for the minimum labour force required to cultivate a given area for the maximum profit. Cato in the second century B.C. thought that sixteen hands were needed for a vineyard of 100 *iugera*; these with one exception, the bailiff's wife, are all adult males.<sup>60</sup> As against this, 4 *iuga* (96 *iugera*) of vineyard in the fourth century would on the average have carried 7 persons, including animals and children over 12 or 14. Columella in the first century A.D. recommends eight workers for 200 *iugera* of arable;<sup>61</sup> this area (= 2 *iuga*) would in the fourth century have carried between three and four persons, again including women and children. The land then had well under half the labour force required for efficient cultivation. It is hardly surprising that landlords were so anxious to tie their tenants to the soil and that so much legislation is devoted to the problem of reclaiming fugitive *coloni* and punishing landlords who harboured them on their own estates.

On the proportion of servile to free labour on the land only the registers of Thera, Lesbos, and Tralles provide any data. There is also a tantalizing document from Chios,<sup>62</sup> a list of farms with rubrics for *iuga* of land, *capita* of *coloni*, *capita* of slaves, and *capita* of animals; but unhappily the figures have never been filled in. This document only tells us that on 9 farms there were *coloni* only (whose *capita* would include their animals) and on 4 *coloni* and slaves and animals (of the owner). At Thera the register of farms which had belonged to Paregorius<sup>63</sup> (total value a little over 10 *iuga*) is followed by the entry 'and slaves on the land Eutychus aged 60, Polychronius aged 40, 1 ox, 1 ass, 5 sheep'. Next follows the heading 'Tenants' ( $\pi\acute{\alpha}\rho\omicron\iota\kappa\omicron\iota$ ) and the beginning of a list of *coloni* and their families and animals, starting with Theodorus of the farm Politike (v.s.); the next lines dealt with the *colonus* of farm Ophragorea (H) but are too fragmentary to be read. One can, however, be certain that there were only two slaves on this group of farms, and the rest of the population was free persons. On the general average the whole estate should

<sup>57</sup> Livy, xxxv, 40 (10 at Vibo in 192), xxxix, 44 (6 at Potentia and Pisaurum in 184), xxxix, 55 (5 at Mutina, 8 at Parma, 10 at Saturnia in 183), xl, 29 (5 at Graviscae in 181), xlii, 4 (10 to citizens, 3 to allies in Cisalpine Gaul in 173).

<sup>58</sup> Livy, xxxvii, 57 (50 at Bononia in 189), xl, 34 (50 at Aquileia in 180), xli, 13 (51½ at Luna in 180). The settlers here may well have been intended to be farmers employing (slave) labour. This is suggested by the fact that at Bononia *equites* got larger plots (70) and at Aquileia centurions and *equites* got 100 and 140. At Vibo also *equites* received a double allowance (20).

<sup>59</sup> Suet. *Julius*, 20, 3; Cicero, *Ep. ad. Att.* II,

xvi, 1. These allotments were on the *ager Campanus* and *Stellas*, famous for their fertility.

<sup>60</sup> Cato, *de Agr.* 11.

<sup>61</sup> Columella II, 12, 7. This is not extravagant seeing that he estimates that each *iugerum* requires 4 man-days to plough (3 times), 1 man-day to harrow, 3 to hoe, 1 to weed, 1½ to harvest (II, 13, 1) as well as 1 man-day to cut the straw after harvest (XI, 2, 54). This work alone would occupy his 8 men 300 days in the year, without allowing for sickness or bad weather, or carting, repairs, and other odd jobs.

<sup>62</sup> Déleage, o.c., 182-6.

<sup>63</sup> *IG* XII, iii, 343.

have carried about  $13\frac{1}{2}$  *capita* or 18 persons ; the ratio of slaves to free persons therefore was 1 : 8.

At Tralles <sup>64</sup> slaves and animals belonging to the landlord (reckoned in *capita*) are placed at the head of each owner's schedule, and are followed by a list of farms with their several *iugatio* and *capitatio* (*coloni* and their animals). Fulvius the priest has no slaves but  $4\frac{1}{8} 1\frac{1}{5}$  *capita* of *coloni*. Another owner whose entry is incomplete, Pausanias *alias* Achollius, has no slaves but at least 3 *capita* of *coloni*. Tatianus owns two groups of slaves and animals, of  $3\frac{1}{2} \frac{1}{6} \frac{1}{4}$  and  $4\frac{1}{4} \frac{1}{20} \frac{1}{100}$  *capita*, that is, a maximum of  $7\frac{1}{2}$  *capita* of slaves, and  $58\frac{1}{5}$  *capita* of *coloni* (and their animals), of which a maximum of 58 represent human beings. As Tatianus owned  $3\frac{1}{2} \frac{1}{8} \frac{1}{20} \frac{1}{50}$  *capita* of animals which were not registered with his slaves, but apparently used by his *coloni* at Monnara, it is likely that his *coloni* owned relatively few animals, and that their *capitatio* is mainly *humana*. The proportion of slave to free labour is here about 1 : 8. Critias and Latron own 2 (? +) and  $3\frac{1}{2} +$  *capita* respectively of slaves and animals. Their figures for *capita* of *coloni* are incomplete, but their land,  $20\frac{1}{2} \frac{1}{5} 1\frac{1}{2} 1\frac{1}{50}$  and  $17\frac{1}{3} \frac{1}{80}$  respectively, would on the general average have carried about 41 *capita*. The proportion of slave to free labour is here 1 :  $7\frac{1}{2}$ .

In Lesbos things were different. Here the lists of farms show slaves and animals in detail, but mention *coloni* only incidentally. One small fragment, <sup>65</sup> which is different from the rest in grading vineyard, arable, and olives in two qualities, places the name of the *colonus* (or *coloni* ; for two of the five farms are on joint tenancies by two men) at the head of each farm ; even this fragment does not, however, record the families and animals of the tenants. On the other lists the farms have no headings, and free persons are only named occasionally in connection with animals : they are probably the owners of animals grazed on farms which do not belong to them. There must presumably have been a separate register of *coloni* with their families and animals, which has not survived. The great majority of the farms (22 excluding the 5 recorded to have been worked by *coloni*) show a nil return under the slaves and animals rubric, six show animals only, but two <sup>66</sup> have large staffs of slaves (22 with 20 oxen and 50 sheep in the one case and 21 in the other). The first is a moderate sized farm, of 91 *iugera* of arable, 20 of vineyard, 150 of pasture, and 352 olive trees ( $2\frac{1}{2}$  *iuga* ignoring the pasture). The other is apparently quite small, only 5 *iugera* of arable, an unknown quantity of vineyard, and 132 olive trees. These farms were evidently each a centre from which a group of farms was worked. It is unfortunately impossible, owing to the fragmentary state of the registers, to calculate even approximately how many farms were worked by free tenants and how many by these large slave establishments. The larger establishment occurs in a list of sixteen farms, broken at both ends, which otherwise shows no *capitatio humana*. The total *iugatio* of this group is about  $29\frac{1}{2}$  *iuga* (excluding pasture) and on the normal ratio would have a population of 37 persons. But one cannot infer that slaves were roughly two to one free person on this estate, as there may have been very many more farms recorded to left and right (and one of these may have housed another slave establishment). The 21 slaves figure on a small fragment carrying only seven entries, four of which are tiny plots described as gardens. All that one can safely say is that on these Lesbian estates, unlike those of Thera and Tralles, slave labour was employed on a large scale.

Certain general conclusions emerge from these documents. The average agricultural unit was very small, and even wealthy landlords as a rule owned a large number of scattered farms rather than a great estate. Slaves were sometimes employed in large gangs of 20 or so, but more often in twos and threes, and in the latter case represented from 10 per cent to 12 per cent of the registered agricultural population. Lastly, the registered agricultural population was very thin on the ground according to ancient standards, the average density being  $\frac{1}{12}$  to  $\frac{1}{25}$  of that of the agricultural settlements of the later Roman republic in Italy, and well under half the minimum for efficient cultivation as reckoned by agricultural experts.

<sup>64</sup> BCH 1880, 336-8.

<sup>65</sup> IG XII, ii, 79.

<sup>66</sup> IG XII, ii, 76, 78.

There is only one other area of the empire for which documents comparable to these engraved census records survive. In Egypt the papyri have preserved a few land registers of the first half of the fourth century. These give no information on the ratio of slave to free labour—actually agricultural slaves were virtually unknown in Egypt—nor on the density of the rural population. They do, however, give fuller information than is available from other sources on the distribution of landed property between the urban and rural population, and between large, medium, and small holders, and also further illustrate the composition of large and medium estates.<sup>67</sup>

The most important of the Egyptian documents is *P. Flor.* 71, which can be dated by prosopographical evidence (see Johnson and West, *Byzantine Egypt: Economic studies* 19, n. 9) to the second quarter of the fourth century. Ll. 44–487 comprise a register of names in the alphabetical order of their initial letters, each followed by a statement of the quantity (in *arurae* = slightly over  $\frac{2}{3}$  acre) of land, public or private, which he or she held in the several *pagi* of the territory of Hermopolis. The list is virtually complete, only 11 out of 444 lines being totally illegible, and very few individual figures, relatively to the huge total, being obliterated. The list is headed Φρουρίου Λιβός, the name of one of the four ἄμφοδᾶ into which the town of Hermopolis was divided. The lost beginning of the roll presumably contained similar registers of the other three ἄμφοδᾶ (the last six names of one survive in ll. 1–8). Ll. 488–800 comprise a similar list headed Ἀντινοϊτικῶν ὀνομάτων. The first list evidently comprises the citizens of Hermopolis resident in the South Fort Ward who owned land in the city territory, the second the citizens of the neighbouring city of Antinoopolis who owned land in Hermopolite territory: since Antinoopolis was very near, and had, it is probable, only a small territory of its own, so many of its citizens were landowners in Hermopolis that they merited a separate schedule. Both lists, it should be noted, are confined to town dwellers. It was the administrative practice in fourth-century Egypt (and probably elsewhere) to keep separate schedules of πολιτικαὶ and κωμητικαὶ κτήσεις, the former comprising the holdings of urban residents, the latter those of villagers.<sup>68</sup>

The names in general present no difficulty. They are followed by a patronymic or sometimes, but rarely, an indication (usually abbreviated) of the person's profession or rank. Eighteen names are followed by several entries of land, distinguished by the words διὰ τοῦ δεινός: <sup>69</sup> here I take it that the names following διὰ are tenants or agents who registered their holding in the owner's name. In three cases an entry is followed by another headed ἐπ' ὀνόματος or καὶ ὄνομα τοῦ δεινός, the second name being out of alphabetical order.<sup>70</sup> In these cases I have assumed that the first named owner had come recently into possession of the second estate, still registered under the ὄνομα of its previous owner. In eleven cases land is registered under two names jointly, presumably co-heirs of an undivided estate,<sup>71</sup> I have included both names in the total of landowners. Under the letter K are listed not only persons beginning with K but κληρονόμοι, sixty-six in all, of deceased owners under all letters; these are, I take it, the estates of persons recently dead whose heirs had not yet taken possession; I have counted each as one owner. Finally the Antinoite list registers under O four οὐσίαι, three of them διὰ Ἀνουβίωνος ἀπὸ προέδρων: two are called Οὐλπιανή (in two different *pagi*), one Πλατωνική, the fourth Στάβλου. These are probably civic estates of Antinoopolis. The Hermopolite list records five οὐσίαι

<sup>67</sup> In what follows I have ignored fractions smaller than a half. I cannot vouch for the absolute accuracy of my arithmetic; for, apart from my incapacity for adding long columns of figures, I find Greek numerical notation troublesome, and missing or mutilated figures add to the confusion. In dealing with them I have exercised my discretion, eliminating those where the element of doubt is large, but including those where the missing figure is relatively unimportant (e.g. I have reckoned in ρπ[ ] as 180+, but ignored [ ]β).

<sup>68</sup> This appears from *P. Princeton* 134 and *P. Strassb.* 45, discussed at the end of this paper.

<sup>69</sup> Ll. 143–4, 170–1, 186–9, 210–3, 235–6, 241–253,

304–8, 314–7, 424–6, 450–3, 454–7, 461–2, 536–8, 547–9, 583–8, 589–591, 596–9, 716–8.

<sup>70</sup> L. 88, ἐπ' ὀνόματος Διογένους Πάριδος under Ἀμμανίων Ἀντωνίνου; l. 251, καὶ ὄνομα Σιλβανοῦ Ἑρμαπόλλωνος under Ἡρακλέων Ὑπερεχίου; l. 280, καὶ ὄνομα Ὠρίωνος under Ἱεροκλῆς Ἑλλαδίου. Silvanus son of Hermapollon occurs elsewhere out of place, over his brother (?) Pamunis, son of Hermapollon (ll. 416–8). Another name which appears out of place is Ἑρμαπόλλων Μαικηνᾶ, who follows κληρονόμοι Μαικηνᾶ Φιβίωνος. Σέρηνο[ς] υἱός follows his father in l. 782.

<sup>71</sup> Ll. 154, 375, 463, 533, 547, 581, 611, 636, 639–640 (brothers), 755, 774.

πολιτικάι (presumably of Hermopolis), but includes them in the holdings of the landowners who farmed them.<sup>72</sup> Altogether, on the assumptions made above, there were 233 (plus perhaps half-a-dozen in the missing lines) landowners resident in the South Fort Ward, and therefore, if the four wards were of approximately the same size and character, between 900 and 1,000 landowners resident in Hermopolis. The number of Antinoites owning land in the Hermopolite territory was 208 (not counting the four civic estates).

The land holdings are classified first by the *pagus* in which they lay; there were probably eighteen *pagi* in all,<sup>73</sup> distinguished by numbers, and the holdings, where one owner held land in several *pagi*, are recorded according to the numerical order of the *pagi*. Within each *pagus* the land is classified as ιδιωτική or δημοσία. In a very small minority of cases the classification has been omitted: in these cases I have assumed that the land is ιδιωτική, since, as will appear, the overwhelming majority of unmixed holdings belong to this category. The ούσiai, it may be noted, do not constitute a separate legal category but are mostly classed as ιδιωτική (one also included a small piece of δημοσία). The majority of owners in both lists hold private land only; but a substantial minority, 96 in the Hermopolite list out of 233, and 75 in the Antinoite out of 208, hold mixed estates in both categories, and this minority includes most substantial landowners. There are only five holdings of public land alone, all very small.<sup>74</sup> The area of public land is almost invariably smaller, and usually very much smaller, than the area of private land to which it is attached. In the Hermopolite list, in the holdings in which both figures are complete, the private land totals 8,989 *arurae*, and the public 1,093. The corresponding figures in the Antinoite list are 2,950 and 249. The owners concerned held in addition parcels of unmixed private land (in other *pagi*) amounting to 1,051 and 224 *arurae*. Overall, then, owners of mixed estates held private and public land in a proportion of about 10 : 1.

It may be that some of the holdings of public land may have originated as voluntary leases, which had become customary tenures. It seems more probable, however, from the distribution of the holdings that the great majority arose from the practice of ἐπιβολή, compulsory assignment of public land to private owners. The figures suggest that ἐπιβολή, though a quite common procedure, was on a small scale; most sizeable estates, and many small ones, had some public land attached, but the amount in each was inconsiderable. Ἐπιβολή cannot, as has been sometimes suggested, have played any important part in the disappearance of public land as a legal category.

The grand total of private and public land recorded in both lists, including (a) the mixed holdings recorded above, (b) other mixed holdings in which one or other figure is missing, (c) the unmixed holdings of private land held by these same owners as recorded above (there is only one unmixed public holding in this category, of 6 *arurae*), (d) unmixed private estates, which total 1,490 in the Hermopolite and 2,418½ in the Antinoite list, (e) the civic ούσiai, comprising 130 *arurae* of private land belonging to Hermopolis, and 518½ private and 1½ public belonging to Antinoopolis, and finally (f) unmixed public tenures, which total 2½ and 10, comes to 13,480 private and 1,221 public in the Hermopolite list, and 6,377 private and 321 public in the Antinoite. If one assumes a similar pattern of land ownership in the other three wards of Hermopolis, the total private land in the Hermopolite territory held by residents in the town would be about 54,000 *arurae*, and the corresponding figure of public land about 5,000; when Antinoite owners are added in, the grand totals would be about 60,000 and 5,000. We do not know the proportion of land in Egypt which was public and private, but the ratio of 1 : 12 is hardly conceivable. It would seem probable that city dwellers in the main held private land, with small amounts of public land attached. Villagers on the other hand, though some had acquired private land, were in the main descended from δημόσιοι γεωργοί, and would hold parcels of public land. If then we possessed the κωμητικάι κτήσεις of the Hermopolite as well as the πολιτικάι, public land would probably be shown in a much higher ratio to private. The total area of the Hermopolite territory cannot be calculated with any approach to accuracy, but

<sup>72</sup> Ll. 747-752 (Antinoite); 127, 137-8, 474-5 (Hermopolite).

<sup>73</sup> See l. 72.

<sup>74</sup> Ll. 111, 286, 561, 660; there is also one case (526) where an owner who holds land in several *pagi* has public land only in one *pagus*.



assuming that it extended northwards to include Tou, later to become a separate city as Theodosiopolis, and southwards to a line somewhat north of Cusae, which, formerly a toparchy of the Hermopolite nome, was already a separate city,<sup>75</sup> and that it comprised all land on the west bank, having the narrow strip on the east bank to Antinoopolis, it would have stretched about 50 miles along the river, with an average width of between 8 and 9 miles: that is, its area would have been 400–450 square miles or about 400,000 *arurae*. Town dwellers will have owned only about one-sixth of the land, and five-sixths will have been held by villagers.

For the distribution of landed property the Hermopolite list is more instructive than the Antinoite. Most citizens of Hermopolis would hold all or the greater part of their property within the territory of the city. Some of the wealthier citizens may have acquired estates elsewhere by marriage or inheritance, but such holdings would not be on a scale to distort the picture painted by the land register. The Antinoite list, on the other hand, records the estates of Antinoite citizens outside their own territory in the contiguous area. These estates represent only a section, and probably a small section, of the total owned by Antinoite citizens, and moreover each holding may well be, and often certainly is, only a minor part of the estate of the owner concerned, the bulk of whose property might lie in Antinoite territory, or anywhere else in Egypt. Hadrian enrolled as citizens of his new foundation 'Hellenes' from all parts of Egypt, and Antinoites are known to have owned land as far afield as the Arsinoite nome.<sup>76</sup> From the list itself it is apparent that some small holdings are in fact outliers of larger estates held elsewhere. It is for instance impossible that Harpocraton, former president of the Antinoite council (ἀπὸ προέδρων), can have owned only  $11\frac{1}{2}$  *arurae*, and most unlikely that Anubion, another president, recorded as lessee of three large civic estates, had no land of his own. Again two former *curatores civitatis* (ἀπὸ λογιστῶν) must have owned more than 2 and 16 *arurae*.<sup>77</sup>

I will therefore deal first with the Hermopolite list. The list, as we have seen, records the land of each owner under the *pagi* in which it was situated. This, it should be noted, does not mean that each recorded holding was a single estate. A man might own several separate parcels of land in one *pagus*, as is proved by a few entries in which separate registrations of land are made for the same owner in the same *pagus* by two or more tenants or agents.<sup>78</sup> As a general rule, however, the holdings of each man in each *pagus* have been totalized in the list, and we can therefore detect scattered holdings only when they were distributed over several *pagi*.

The majority of owners, including nearly all the smaller holders, register land in one *pagus* only. There are altogether 156 entries out of 230 which total less than 30 *arurae* each. Their distribution is shown by the following tables:—

| Holdings in a single <i>pagus</i> |                  |                        |                 | Holdings in several <i>pagi</i> |                        |                 |
|-----------------------------------|------------------|------------------------|-----------------|---------------------------------|------------------------|-----------------|
|                                   | Number of owners | Total of <i>arurae</i> | Average holding | Number of owners                | Total of <i>arurae</i> | Average holding |
| <i>All private</i>                |                  |                        |                 |                                 |                        |                 |
| Under 10 .                        | 66               | 268                    | 4               | 2                               | $10\frac{1}{2}$        | $5\frac{1}{2}$  |
| 10–19 .                           | 23               | $316\frac{1}{2}$       | $13\frac{3}{4}$ | 2                               | $20\frac{1}{2}$        | $10\frac{1}{4}$ |
| 20–29 .                           | 9                | $211\frac{1}{2}$       | $23\frac{1}{2}$ | —                               | —                      | —               |
| <i>All public</i>                 |                  |                        |                 |                                 |                        |                 |
| Under 10 .                        | 2                | $2\frac{1}{2}$         | $1\frac{1}{4}$  | —                               | —                      | —               |
| <i>Mixed</i>                      |                  |                        |                 |                                 |                        |                 |
| Under 10 .                        | 22               | $97\frac{1}{2}$        | $4\frac{1}{2}$  | 2                               | $11\frac{1}{2}$        | $5\frac{3}{4}$  |
| 10–19 .                           | 13               | $173\frac{1}{2}$       | $13\frac{1}{4}$ | 3                               | $36\frac{1}{2} +$      | $12 +$          |
| 20–29 .                           | 11               | 263                    | 24              | 1                               | 20                     | 20              |

A few even of these small holdings, it will be noted, are dispersed over several *pagi*; of those in a single *pagus* one of 9 *arurae* consists of three blocks, under separate tenants, of 4,  $2\frac{1}{2}$ , and  $2\frac{1}{2}$ , each subdivided into public and private land.<sup>79</sup> Some of these smaller

<sup>75</sup> See A. H. M. Jones, *Cities of the Eastern Roman Provinces* 345, 482, n. 64. SB 8942 has since confirmed my conjecture that Cusae was already a city.

<sup>76</sup> *Chr.* 1, 29.

<sup>77</sup> Ll. 521, 747–751, 566, 592.

<sup>78</sup> e.g. ll. 143–4, 186–9, 210–3, 304–8, 314–7, 450–3, 461–2, 583–8, 596–9.

<sup>79</sup> Ll. 186–9.

holders may have worked their own land, or a part of it, though resident in the city, but the majority seem to have been absentee landlords. A number record urban occupations. Among those who own less than 10 *arurae* there are a builder, a potter, a donkey man, a fuller, three wool shearers, a doorkeeper, a letter writer, an astrologer, two *officiales*, a *beneficiarius*, and a minor official (βοηθός): another βοηθός and a money-changer own 12 each.<sup>80</sup>

As estates increase in size they tend more and more to be distributed over several *pagi*, as the following tables show :—

|                       | Number of pagi | Number of arurae |   |
|-----------------------|----------------|------------------|---|
| 30-39 <i>arurae</i> . | 1              | 31               | Total <i>arurae</i> 168 +<br>Average holding 34       |
|                       | 2              | 31½              |   |
|                       | 2              | 34½ +            |   |
|                       | 1              | 36               |   |
|                       | 2              | 39               |   |
| 40-49 <i>arurae</i> . | 1              | 42               | Total <i>arurae</i> 313½<br>Average holding 45        |
|                       | 2              | 42               |   |
|                       | 1              | 43½              |   |
|                       | 3              | 44               |   |
|                       | 2              | 45               |   |
|                       | 1              | 47½              |   |
| 50-79 . .             | 3              | 49½              | Total <i>arurae</i> 250<br>Average holding 62½        |
|                       | 1              | 60               |   |
|                       | 1              | 62               |   |
|                       | 6              | 62½              |   |
|                       | 1              | 65½              |   |
| 80-99 . .             | 1              | 81               | Total <i>arurae</i> 519½ +<br>Average holding 87      |
|                       | 2              | 80½ +            |   |
|                       | 4              | 88               |   |
|                       | 2              | 88½              |   |
|                       | 1              | 90½              |   |
|                       | 2              | 91               |   |
| 100-199 . .           | 1              | 113½             | Total <i>arurae</i> 921½<br>Average holding 153½      |
|                       | 1              | 124              |   |
|                       | 1              | 154              |   |
|                       | 1              | 155              |   |
|                       | 1              | 183              |   |
|                       | 5              | 192              |   |
| 200-600 . .           | 3              | 259              | Total <i>arurae</i> 2,919½ + +<br>Average holding 417 |
|                       | 4              | 258 +            |   |
|                       | 2              | 317              |   |
|                       | 3              | 465 +            |   |
|                       | 6              | 503 +            |   |
|                       | 4              | 530 +            |   |
|                       | 1              | 587½             |   |
|                       |                |                  |   |

Above the 190 *arurae* mark there is, it will be noted, only one estate, the largest of this group, containing nearly 600 *arurae*, which is concentrated in one *pagus*. There is then a considerable gap till we reach seven estates in the 1,000 *arurae* category. The biggest of these, of 1,370 *arurae*, was entirely in one *pagus*,<sup>81</sup> the other six, as the following table shows, are widely distributed :—

| Number of pagi | Total of arurae |
|----------------|-----------------|
| 8              | 946½            |
| 9              | 1,020 +         |
| 9              | 1,027 +         |
| 7              | 1,098           |
| 4              | 1,090 +         |
| 10             | 808½ + +        |

In the last estate, that of Heracleon, a large number of figures are missing. The return made by the owner himself, which comprised land in five *pagi*, has perished save for one

<sup>80</sup> L1. 77-8, 128, 159, 183, 214, 247, 267, 325, 342-3, 364, 380, 395, 438, 460.

<sup>81</sup> L. 299 (κλ' Ἀμμωνίου Ὑπερεχίου).

figure, 47. Land totalling  $373\frac{1}{2}$  *arurae*, distributed over four *pagi*, was registered in his name by Aelianus, and under his name also comes the  $\delta\nu\omicron\mu\alpha$  of Silvanus, who held 388 *arurae*, all in one *pagus*, but in two blocks.<sup>82</sup>

It would appear then that, out of the 233 residents of the South Fort Ward of Hermopolis who owned land, seven men owned about half the total area (c. 7,500 out of c. 15,000), and another seven men owned close on another quarter (c. 3,000). If one may, to obtain an approximate picture of the pattern of land ownership in Hermopolis, multiply these figures by four, out of 900–1,000 urban landowners, 25–30 were in the 1,000 *arurae* class, owning half the total, and another 25–30 in the 250–600 *arurae* class, owning nearly a quarter of the total. Within the class of urban landowners the concentration of property is striking. But it must be remembered that, as pointed out earlier, urban landowners held only a small proportion, perhaps a sixth, of the total area of the territory, the remainder of which was held by villagers.

The Antinoite list is, as explained above, less instructive on the distribution of landed property, but, for what they are worth, the following tables analyse the information which it contains :—

| Holdings in one pagus |                  |                  |                 | Holdings in several pagi |                  |                  |
|-----------------------|------------------|------------------|-----------------|--------------------------|------------------|------------------|
|                       | Number of owners | Total of arurae  | Average holding | Number of owners         | Total of arurae  | Average holding  |
| Under 10 .            | 66               | 270              | 4               | 1                        | $6\frac{1}{2}$   | $6\frac{1}{2}$   |
| 10–19 .               | 30               | $387\frac{1}{2}$ | 13              | 2                        | $26\frac{1}{2}$  | $13\frac{1}{2}$  |
| 20–29 .               | 23               | $548\frac{1}{2}$ | 24              | 2                        | 40               | 20               |
| 30–39 .               | 9                | 310              | $34\frac{1}{2}$ | 0                        | 0                | 0                |
| 40–49 .               | 9                | $383\frac{1}{2}$ | $42\frac{1}{2}$ | 1                        | $45\frac{1}{2}$  | $45\frac{1}{2}$  |
| 50–99 .               | 12               | $811\frac{1}{2}$ | $67\frac{1}{2}$ | 9                        | 609              | $67\frac{3}{4}$  |
| 100–200 .             | 12               | 1,786            | 149             | 1                        | $143\frac{1}{2}$ | $143\frac{1}{2}$ |

Over the 200-line there are only three holdings, one of 203 in two *pagi*, one of 292 in one *pagus*, and one of  $321\frac{1}{2}$  in a single *pagus* but declared by two agents. In addition there is Anubion, who leased three civic estates totalling over 500 *arurae*. In general, estates seem to be smaller and more concentrated, but it must be borne in mind that many of them may have formed parts of larger agglomerations. It is noteworthy that many of the more substantial holdings belong to civil servants or ex-civil servants. Antinoopolis was the metropolis of the Thebaid, and the governor's officials doubtless invested their savings in land in the neighbourhood. There are six *primipilares* who own 292,  $179\frac{1}{2}$ , 116, 76, over 59, and 56 *arurae* respectively.<sup>83</sup> A former *praeco* (ἀπὸ πρεκόνων) has  $143\frac{1}{2}$  and a former procurator (ἀπὸ ἐπιτρόπων) over 130.<sup>84</sup> Three *beneficiarii* hold 74,  $58\frac{1}{2}$ , and 40, and an *ab actis* (ἀβάκτης) 54.<sup>85</sup> The largest estate of  $321\frac{1}{2}$  *arurae* is held by a man described as ἀπὸ ἐξακτόρων.<sup>86</sup> The post of *exactor civitatis* was an imperial *dignitas*, but by this date normally bestowed on a *curialis* of the city concerned. This man will then probably have belonged to the curial aristocracy of Antinoopolis, as did Anubion, former president of the council, who leased the three civic estates.

*P. Lips.* 101 is a much smaller fragment containing less than fifty entries. It too is from Hermopolis, and appears to be of similar date to *P. Flor.* 71. It also seems to be concerned with city dwellers; the names are almost entirely Greek, most are stated to be ἀπὸ Ἑρμοὑπόλεως (and a few of Antinoopolis), and four are gymnasiarchs. The land is, as in *P. Flor.* 71, classified as ἰδιωτικὴ or δημοσίᾳ, but in both categories ἐσπ(αρμένη) is added. Here the resemblance between the two lists ends. In *P. Lips.* 101 the names are not in alphabetical order, Antinoites are mixed up with Hermopolites (both being usually labelled as such), and each name is followed by one holding only, either private, mixed, or public: there is no indication of the *pagus*. At the beginning of the list occurs an entry of

<sup>82</sup> Ll. 64 (Ἀκύλας Ὀλυμπίοδώρου), 123 (Γεννάδιος Διοκλέους), 129 (Διοσκουρίδης Αἰλιανοῦ), 241 (Ἡρακλέων Ὑπερεχίου), 274 (Ἱεροκλῆς Ἑλλαδίου), 408 (Πινουτίων Ὀλυμπίοδώρου).

<sup>83</sup> Ll. 515, 612, 625, 697, 707, 714. There is also a wealthy *primipilaris* (over 206 *arurae*) at Hermopolis

(l. 60). *Primipilaris* at this date, of course, means former *princeps* of the provincial *officium*.

<sup>84</sup> Ll. 680, 791.

<sup>85</sup> Ll. 509, 546, 550, 604; in the Hermopolite list (ll. 160, 380) there are another *beneficiarius* and an *actuarius*, holding  $65\frac{1}{2}$  and 60 *arurae*.

<sup>86</sup> L. 589.

180½ *arurae* (probably private), followed by another of more than 100 *arurae* (presumably private), plus ¼-*arura* public. The preceding names (if they were names and these figures are not total of earlier entries) are lost. The remaining entries, of which 36 preserve the figures, are all very small; only two are larger than 10 (12½ and 14), and the average is between 4 and 5. There are two holdings of public land only, five of mixed public and private (in addition to the large figure already mentioned), and twenty-nine of private; these include an οὐσία Ἑρμοπολιτικ(ή) (πρότερον) Βησῆτος (II, 11) and an οὐσία ταμειακή πρότερον Ἀμμωνίου of 6 *arurae* (II, 21).

It seems likely that this list represents an earlier stage in the formation of the land register of *P. Flor.* 71. Here, it would appear, all citizens in one *pagus* have been entered higgledy-piggledy as they came in, later to be sorted into Ἑρμοπολιτικά ὀνόματα under the four wards and Ἀντινοϊτικά ὀνόματα, arranged in alphabetical order, and consolidated with returns from other *pagi*. The chief importance of the fragment is in underlining the fragmentation of rural property. Apart from the two considerable estates (if they are estates) at the head of the list, the holdings are all tiny, but many were no doubt fragments of larger agglomerations: it is inconceivable that the four gymnasiarchs recorded (two αἰώνιοι) could have owned only 5 *arurae* private, 5 public, 6, and 1¾ private respectively (I, 4, 22, 25; II, 10). The document also confirms the earlier hypothesis about entries διὰ τοῦ δεινός. There are a number of entries in this form, in which ὁ δεῖνα is sometimes a relative, once a γεωργός (or tenant), once a προνοητής (or agent—for 14 *arurae*): the imperial estate is registered by a βοηθός.

There are unfortunately no village land registers from the Hermopolite. There appear in fact to be only three for all Egypt in this period, and of these *SPP* x, 221 and *PRG* v, 58 are too fragmentary to be of statistical value. There remains *P. Princeton* 134 which records the κωμητικὴ κτῆσις of Theadelphia in the Arsinoite in a tenth indiction early in the fourth century, probably 322. The list is certainly incomplete, being in two columns, the bottom of each of which has perished. The land is classified as βασιλική or ιδιωτική, each class being further qualified as σποριμή or ἄσπορος.

| Owner | Royal sown | Private sown      | Royal unsown | Private unsown   | Total  |
|-------|------------|-------------------|--------------|------------------|--------|
| A     | 41½ 1/16   | 6¼ 1/16           | —            | —                | 47½    |
| B     | —          | 3½                | —            | —                | 3½     |
| C     | 19½        | ?                 | —            | —                | 19½ +  |
| D     | 33¼ 1/8    | 22¾ 1/8 1/16 1/32 | 2¾ 1/16 1/64 | —                | 58¾    |
| E     | 8¼         | —                 | —            | —                | 8¼     |
| F     | —          | —                 | 12 1/32      | —                | 12     |
| G     | 6 1/12     | 6¾ 1/16 1/32      | —            | —                | 12 7/8 |
| H     | 10¼        | 16¾ 1/8 1/32      | —            | —                | 27 1/8 |
| I     | 5 1/16     | 21 1/32           | 2 1/16       | 1¾ 1/8 1/16 1/32 | 30 1/8 |
| J     | —          | 44¼ 1/8           | —            | —                | 47 1/2 |
| K     | —          | 1¼ 1/12           | —            | —                | 1¼     |
| L     | 1¼ 1/8     | —                 | —            | —                | 1¼     |
| Total | 124½       | 122¾ +            | 16 7/8       | 5 1/8            | 269 +  |

It will be noted that the royal land is approximately equal in extent to the private in this village; a very different proportion from that shown by the Hermopolite register. There are great anomalies between peasant holdings, which range from one of nearly 60 *arurae* and two of nearly 50 to one of 3 and two of little over 1 *arurae*.

In a petition (*P. Thead.* 17, cf. 16) addressed to Flavius Hyginus, prefect of Egypt in 332, it is stated that the taxable area (φορολογία) of the whole village was 500 *arurae*, and the registered number of its adult male inhabitants (κατ' ἄνδρα) twenty-five. Our land register therefore comprises rather over half the total. There are three other lists of about this period from Theadelphia which help to fill the gap. From a tenth indiction, probably 322 again, but later in the year (for several of the owners in the land register have recently died and are represented by their heirs) there is an εἰσπραξις σίτου κωμητῶν (*P. Thead.* 30) of 18 entries. From 314 there is a statement (*P. Flor.* 54) of amounts of seed-corn lent by the government to 16 villagers, and from 312 there is a report of the σιτολόγοι (*P. Strassb.* 45) on amounts of corn delivered to the village granary by 16 persons. Many

names recur in these lists, but it is clear that none is exhaustive. Seed-corn was probably loaned only to holders of royal (public) land, and in the two documents recording receipt of corn taxes by the σιτολόγοι the names of those who had not yet paid up are absent. Allowing for this, twenty-five does not seem to be an overestimate of the adult male population.

The list of 312 is of peculiar interest in that it distinguishes between σῖτος πολιτῶν and σῖτος (and κρίθη) κωμητῶν. The latter amounts to  $329\frac{3}{4}$  *artabae* of wheat and  $62\frac{5}{12}$  of barley, and is delivered by 14 persons. The former totals only  $33\frac{7}{12}$  *artabae* of wheat, and is delivered, through their tenants, by two persons, Masculinus ( $15\frac{7}{12}$  *artabae*) and Rufina, daughter of Rufus, whose tenant is Sacaon (18 *artabae*). Nineteen years later, in 331, Sacaon rented 16 *arurae* from Aurelia Rufina, whom he describes as λαμπροτάτη (*clarissima*), wife of Claudius Lampadius, decurion of Alexandria (*P. Strassb.* 43). It is probable that this is the same holding on which in 312 he paid 18 *artabae* on his landlady's account, in which case the total of land held by urban residents in Theadelphia will have been about 30 *arurae* out of 500.

The records of Theadelphia thus confirm, for what they are worth, two inferences from the Hermopolite register. First that the proportion of public to private land was far higher than indicated by the register, and secondly that the bulk of the soil of Egypt was still in the early fourth century held by peasant proprietors. It may be added that in Theadelphia the ratio of adult males to area of land, 25 men to 500 *arurae*, is almost equivalent to Columella's optimum of 8 men to 200 *iugera*.

St. John Chrysostom's Parentage and Education

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## ST. JOHN CHRYSOSTOM'S PARENTAGE AND EDUCATION

St. John Chrysostom came, according to Socrates (Hist. Eccl. VI, 3), of a good class Antiochene family (ἐξ ἐπατρίδων τῶν ἐκεῖ). Palladius (Dialogus, 5) gives more specific information — υἱὸς γεγονὼς τῶν διαπρεψάντων εὐγενῶς παρὰ τῇ τάξει τοῦ στρατηλάτου τῆς Συρίας. In all commentaries and encyclopedias which I have been able to consult this is taken to mean that his father (Secundus, according to Socrates) had been *magister militum per Orientem*. The words, however, do mean that Secundus (and his forebears) had served with distinction in the *officium* of the *magister militum per Orientem*. Secundus, that is to say, was not a senator of the highest rank, later to be called *illustris*, but a high grade civil servant. This accords with what John says himself in the de Sacerdotio (I.2) of his fortune and birth, that he was not excessively rich or noble by comparison with his friend Basil. It also accords with the story which his mother tells in the same work (I.5) of the struggle which she had to give him a liberal education; her husband's estate was evidently moderate, since to avoid encroaching on its capital, she was obliged to spend her own dowry.

John received a liberal education, studying rhetoric under Libanius and philosophy under Andragathius according to Socrates. Andragathius is otherwise unknown. There is no reason to believe that John was not taught by Libanius, who was at the time the official professor of rhetoric at Antioch, though the letter quoted by Isidore of Pelusium (Epp. II, 42) from Libanius to John, is either spurious or addressed to another John. For what career was this secular education to fit him? Both Socrates and Sozomen (Hist. Eccl., VIII, 4) say for the bar (μέλλων τε ἐπὶ δικανικὴν ὁρμᾶν, προσδοκηθεὶς δὲ δίκας ἀγορεύειν), and the letter of Libanius cited by Isidore and a remark of John himself in the de Sacerdotio (I.4, οὐ γὰρ ἦν τοῦ δικαστηρίου προσεδρεύοντα καὶ περὶ τὰς ἐν τῇ σκηνῇ τέρψεις ἐπτοημένον συγγίγνεσθαι πολλάκις τῷ βιβλίῳ προσηλωμένῳ) have been held to confirm this statement. The letter is, however, spurious or irrelevant, and John's own words are not decisive; for an ambitious young man learning rhetoric would naturally hang about the lawcourts to listen to real orators, and this activity may have been no more professional than going to the theatre.

It may well be that the statements of Socrates and Sozomen are in fact based on these passages and have no independent value. That this is so is suggested by the different account of John's education given by

Palladius, who had the best chance of knowing. He writes (Dialogus, 5): δεξιωτέρας δὲ ὑπάρχων γνώμης ἐξησκήθη τοῖς λόγοις πρὸς διακονίαν τῶν θείων λογίων. ἐκεῖθεν ὀκτωκαδέκατον ἔτος ἄγων τὴν τοῦ σώματος ἡλικίαν ἀφηγίασεν τοὺς σοφιστὰς τῶν λεξυδρίων, ἀνδρυνθεὶς δὲ τὴν φρένα ἦρα τῶν ἱερῶν μαθημάτων. H. Moore, the most recent translator of the Dialogus, renders the words πρὸς διακονίαν τῶν θείων λογίων "for the ministry of the Oracles of God," and P. R. Coleman-Norton, the editor of the most recent text, refers in his footnote to other passages in the Dialogus where τὰ θεῖα λόγια means the Holy Scriptures, thus implicitly accepting the same interpretation. But common sense and the context forbid such a translation. A rhetorical education was neither requisite nor desirable for Holy Orders; and Palladius is clearly contrasting John's secular education, with a secular career in view, with his subsequent devotion to sacred learning. 'Ἡ διακονία τῶν θείων λογίων must be a description — allusive owing to Palladius' avoidance in this rather high-flown passage of vulgar neologisms — of a secular career.

The clue to the phrase is to be found in the double meaning of *θείος*, which can mean not only "divine," but more often than not "imperial." I have not been able to find a parallel for τὰ θεῖα λόγια in Greek, but it is an exact translation of *divina oracula*, which is a not uncommon synonym in the Codes for imperial rescripts, letters and other constitutions (Theod., Nov., vi, xvii, 2, Cod. Just., VII, lxiii, 5, VIII, xxxiii, 3, xlviii, 5). Their *διακονία* (cf. Just., Nov. 35, § 4, 'qui confectioni legum . . . suum ministerium prae-buerunt,' cf. § 8) was performed by the clerks of the *sacra scrinia*, who assisted the *magistri memoriae*, *epistoliarum* and *libellorum* in drafting rescripts and letters, and might be promoted to draft laws under the *quaestor sacri palatii* (Not. Dig. Or., XI, 13-15, XII, XIX, Occ., IX, 10-13, X, XVII). This was a service highly appropriate to a young man of John's talents and position. It was one of the more select palatine ministries. The clerks of the three *scrinia* were limited to 62, 34 and 34 respectively (Cod. Just., II, xix, 10; this is a law of Leo; numbers were probably smaller in the fourth century). The *proximi* or senior clerks of each *scrinium* ended their days as senators (Cod. Theod., VI, xxvi, 2 (381) and 4 (386) give them equivalent rank to *vicarii*; they had previously presumably been *clarissimi inter consulares*). And by the first half of the fifth century clerkships were so much sought after that they commanded a good price, stabilized in 444 at 250 *solidi* plus an entrance fee of 15 or 20 (Cod. Just., XII, xix, 7). The *sacra scrinia* were then a very superior service to the *officium* of a *magister militum*, to which John's father had belonged.



Furthermore they were one of the few branches of the civil service where a first class literary education was indispensable; for the emperor's pronouncements had to be clad in correct rhetorical garb.

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Military Chaplains in the Roman Army

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## MILITARY CHAPLAINS IN THE ROMAN ARMY

Between 456 and 466, we are told by Cyril of Scythopolis (Vita S. Sabae, 9), S. Saba, sent on a mission from Palestine to Alexandria, was surprised to meet his father John, from whom he had been parted at the age of five in 444. In that year John had been conscripted and drafted into the *numerus Isaurorum* at Alexandria; now, under the name of Conon, he had risen to command of the unit. He was overjoyed at being reunited to his son, and suggested that he *στρατεύσθαι καὶ πρεσβύτερον τοῦ νομέρου γενέσθαι*.

Eduard Schwartz on p. 307 of his edition of Cyril of Scythopolis suggests that *πρεσβύτερος* in this phrase is the Greek equivalent of *senator*, the military grade immediately below that of *primicerius* and therefore ranking third after the tribune (Jerome, contra Ioh. Hierosol., 19). This interpretation seems improbable. In the first place, prevalent though graft was in the Roman army of the fifth century, it would even then have been outrageous for a commanding officer to promote a new recruit to so high a grade. Secondly *πρεσβύτερος* is not a translation of *senator*, which is, in fact, never translated, but transliterated into Greek as *σινάτωρ* (Grosse, Romische Militärgeschichte, p. 120<sup>4</sup>); and Cyril is no purist, but habitually transliterates Latin words. Thirdly *πρεσβύτερος* had by this time a technical meaning: it meant priest.

*Πρεσβύτερος τοῦ νομέρου* should then naturally mean "chaplain of the unit." That such an institution existed is proved by a contemporary letter of Theodoret (No. 2 in the collection published by John Sakellion, Athens, 1885), recommending the bearer to Eusebius, bishop of Ancyra. "The promise of our God and Saviour is true" he writes, "for he promised that the teaching of God's word should be diffused over all the world, and the facts cry out, bearing witness to this saying. For the foster sons of piety and those deemed worthy of the priesthood direct not only provinces, cities, villages, estates and farms; but the regiments of soldiers stationed in cities and villages themselves too have consecrated shepherds (ἀλλὰ καὶ αὐτὰ τῶν στρατιωτῶν τὰ τάγματα ἐν πόλεσι καὶ κώμαις διάγοντα ἀφιερωμένους ἔχει νομέας). Among these is the discreet deacon Agapetus, who claims as his city the metropolis of our province, and has been appointed to guide a military regiment in things divine (στρατιωτικὸν δὲ τάγμα ἐτάχθη πρὸς τὰ θεία ῥυθμίζειν). That is why he has started for Thrace; for his unit happens to be stationed there (ἐκεῖ γὰρ τούτου συμβαίνει διάγειν τὸν ἀριθμὸν)."

Both these references date to the middle of the fifth century and I

know of no earlier allusion.<sup>1</sup> Sozomen (I.8) indeed alleges that the institution dates from Constantine; ἐξ ἐκείνου δὲ καὶ τὰ Ῥωμαίων τάγματα ἅ νῦν ἀριθμοὺς καλοῦσιν ἕκαστον ἰδίαν σκητὴν κατεσκευάσατο καὶ ἱερέας καὶ διακόνους ἀπονενεμημένους ἔχειν. But this passage appears to be an embroidery upon Eusebius' description of the tent equipped as a chapel, which Constantine had made for his personal devotions when on campaign. Of the army in general Eusebius in the same passage (*Vita Const.*, IV, 18-9) records only that he gave Christian soldiers time off to attend Sunday services, and compelled the rest to attend a parade at which a non-denominational monotheistic prayer was recited. Theodoret's rather ecstatic language might be taken to imply that the institution of military chaplains was a novelty in his day, were it not that such rhetoric was a regular feature of the epistolary art.

A century later Roman regiments still had their chaplains. Pope Pelagius I (555-60) writes to Laurentius, bishop of Centumcellae (*Migne, P.G.*, LXIX, 416): "Principalis (sic) devotissimorum militum qui illic in civitate Centumcellensi consistunt, relatione ad nos directa sacram se insinuant clementissimi principis impetrasse quae eis presbyterum diaconum et subdiaconum fieri debere praecepit." From this it would appear that regimental chaplains were not universal, but a privilege granted by special imperial order.

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<sup>1</sup> Professor Nock has called my attention to Wilcken, *Chr. I.* 6, a petition to Theodosius II and Valentinian III (425-450) Παρὰ Ἀππίωνος ἐπισκόπου λεγεῶνος Συήνης καὶ Κενῆς [Συή]νης καὶ Ἐλεφαντίνης; but Appion appears rather to be bishop of the garrison town than of the unit.



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# THE DATE AND VALUE OF THE VERONA LIST

By A. H. M. JONES

Since Bury's magistral article in this *Journal* over thirty years ago (XIII, 1923, 127 ff.) no scholar has attempted a comprehensive study of the date and value of the *Laterculus Veronensis*. Various historians have in passing expressed a preference for this date or that. Ernst Stein argued for 293–305 in *Rheinisches Museum* LXXVII (1925), 367, but in his *Geschichte des spätrömischen Reiches* I, 102, preferred 304–306. E. Schwartz in a rather fuller treatment (*Abh. Bayer. Akad., phil.-hist. Kl.*, 1937, 79–82) argued for a much later date, between 325 and 337 for the eastern dioceses, and under Valentinian I for the western dioceses. Others have more modestly confined themselves to certain areas. H. Nesselhauf has maintained a relatively early date (305–306) for Gaul (*Abh. Preuss. Akad., phil.-hist. Kl.*, 1938, 8 ff.), while W. Seston has argued for a date after 306 for Africa (*Dioclétien et la Tétrarchie*, I, 327–8). It may be timely to reassess the problem, particularly as some new evidence has recently emerged.

It is common ground that the Verona list contains elements which cannot be later than the early decades of the fourth century. The name of the province Diospontus is last recorded in 325 in the signatures of the Council of Nicaea <sup>1</sup> (and shortly before that on a milestone <sup>2</sup> of the latter part of Licinius' reign, 317–324); it had already been superseded by the name Helenopontus in the last years of Constantine, 333–337, as another milestone <sup>3</sup> witnesses. The diocese of the Moesias is elsewhere recorded only in the inscription of C. Caelius Saturninus, <sup>4</sup> who was its vicar some time in Constantine's reign: the later division into two, Dacia and Macedonia, was probably in force as early as 327, when Constantine addressed a constitution <sup>5</sup> to Acacius, *comes Macedoniae*, for all other known *comites provinciarum* ruled over dioceses. In Africa the list records a division of Numidia into two provinces, Cirtensis and Militiana, which appears to have existed only in the first two decades of the fourth century. The history of the African provinces at this period is obscure and complex, but for the present purpose it will suffice to say that Numidia appears to have been undivided in 303, when Valerius Florus is styled *p(raeses) p(rovinciae) N(umidiae)* and was active in both halves of the province, <sup>6</sup> and Aurelius Quintianus still ruled *p(rovinciam) N(umidiam)* in November; <sup>7</sup> that Florus was *p(raeses) p(rovinciae) N(umidiae) M(ilitiana)* under the tetrarchy, 293–305, <sup>8</sup> and Valerius Antoninus *p(raeses) p(rovinciae) N(umidiae) C(irtensis)* in 306; <sup>9</sup> that there were still two Numidias in 312–3, when Constantine directed that subsidies be granted to the clergy in all the provinces of Africa, τὰς τε Ἀφρικὰς καὶ τὰς Νουμιδίας καὶ τὰς Μαυρετανίας; <sup>10</sup> but that before 320, when Zenophilus was *consularis* <sup>11</sup> (of Numidia), Iallius Antiochus was *praeses prov. Numid.* <sup>12</sup> A few years later Aradius Proculus enumerates the provinces of Africa as 'proconsularem et Numidiam Byzacium ac Tripolim itemque Mauretanium Sitifensem et Caesariensem'. <sup>13</sup> It would seem that there were two Numidias from 304–5 to 314–320.

Finally the Verona list records the division of Aegyptus into two provinces, Iovia and Herculia. J. Lallemand has recently established by an acute analysis of the papyrological evidence, supplemented by inscriptions and ecclesiastical documents, that this division cannot have been made earlier than 312, and cannot have lasted later than 324; Aegyptus Herculia is actually attested between 315 and 322. <sup>14</sup>

<sup>1</sup> I quote here and elsewhere from Gelzer, *Patr. Nic. Nom.*, lx–lxiv.

<sup>2</sup> *CIL* III, 14184 <sup>31</sup>.

<sup>3</sup> *CIL* III, 14184 <sup>37</sup>.

<sup>4</sup> *ILS* 1214.

<sup>5</sup> *Cod. Theod.* XI, iii, 2.

<sup>6</sup> *CIL* VIII, 6700; Optatus, III, 8; Augustine, *c. Cresc.* III, xxvii, 30; *AE* 1942/3, 81.

<sup>7</sup> *ILS* 644.

<sup>8</sup> *ILS* 631–3.

<sup>9</sup> *ILS* 651, *CIL* VIII, 5526, 7965, 18700. It may be noted that *CIL* VIII, 7067, 'Valer . . . nus v. p. . . . diar . . . ret . . . ' does not (*pace* Anderson, *JRS* XXII, 1932, 30–1) prove that the Numidias were reunited immediately under the same Valer[ius

Antoni]nus. The inscription probably records his promotion to be [*rationalis Numi*]diar[um et Mau]re[t]aniarum], and shows that two Numidias continued to exist (contrast *ILS* 691 'rat. Numidiae et Mau[re]t[an]iarum' under Constantine).

<sup>10</sup> Eusebius, *HE* x, 6, 1. I take it that the Africas are Proconsularis, Byzacium, and Tripolitania, the three subdivisions of the old proconsular Africa. See Addendum, p. 29.

<sup>11</sup> Optatus, *App.* I.

<sup>12</sup> *CIL* VIII, 7005 (cf. 7006).

<sup>13</sup> *ILS* 1240.

<sup>14</sup> *Bull. Ac. Roy. Belg. (Classe des lettres et sciences mor. et pol.)*, 5 Série, xxxvi (1950), 387–395.

This last fact eliminates the very early datings of the list which some scholars have favoured. If the document is homogeneous in date,<sup>15</sup> it cannot be earlier than 312, the earliest possible date for the creation of Aegyptus Herculia, nor later than 320, the latest possible date for the amalgamation of Numidia Cirtensis and Militiana. There is nothing in the document which requires an earlier date than 312, and this *terminus a quo* may be accepted. On the other hand there are features which may be thought to point to a later—in some cases a considerably later—date than 320, and on the strength of these it has been argued that the list or parts of it have been subjected to a later revision or revisions. If this were so the list would lose most of its value as an historical document, since no individual item would be securely dated except by external evidence.

The strongest evidence for later revision is in the diocese of Viennensis, where two provinces (Prima and Secunda) of Narbonensis and of Aquitania are recorded. In both cases there is indubitable evidence that in the middle years of the fourth century there was only one province. Saturninius Secundus was *praeses provinciae Aquitaniae* about the middle of the century,<sup>16</sup> and a synodical letter cited by Hilary and dated 358 recognizes only one Aquitania;<sup>17</sup> so also does Ammianus in his survey of Gaul.<sup>18</sup> For Narbonensis the evidence is similar; again there is the synodical letter of 358,<sup>19</sup> while Ammianus mentions *a rector Narbonensis* in 359 and 361, and ignores Narbonensis II in his survey.<sup>20</sup> Aquitania II is first attested in the provincial list of Festus,<sup>21</sup> which is to be dated shortly before 369, and Narbonensis II in an ecclesiastical document of 381.<sup>22</sup>

The examples of Numidia and Aegyptus, however, show that provinces which had been divided were sometimes reunited. The same may have happened in Gaul, and there is, as Mommsen pointed out,<sup>23</sup> and Nesselhauf has recently emphasized,<sup>24</sup> good reason to believe in the case of Narbonensis that it did. It appears from the *Notitia Galliarum* that Narbonensis I occupied the western part of the province of that name, Viennensis the centre, and Narbonensis II the extreme east. Narbonensis II must in fact have been carved out of Viennensis in the latter part of the fourth century. Why then was it not called Viennensis II? The only explanation seems to be that the original Narbonensis was first bisected into Prima, the western half, and Secunda, the eastern, and that subsequently Viennensis was formed out of the western half of Secunda. Later, Narbonensis II was merged in Viennensis, the stage we find in the mid-fourth century, and finally in the late fourth century was revived under its old name.

The other evidence for a later revision lies in the Nicene signatures for the dioceses of Asiana and Oriens. There is no good reason for doubting that the provincial arrangement of the Nicene signatures is original and follows the secular boundaries.<sup>25</sup> The use of the name Diospontus proves an early date, for, as noted above, this name was replaced by Helenopontus before the end of Constantine's reign—and probably within a very few years of the Council, while Helena was still alive. That the bishops strictly observed the contemporary secular arrangements cannot be proved, but they certainly took account of relatively recent administrative changes, dating from the latter part of Diocletian's reign, and if they modified ecclesiastical provinces according to the official reorganization thus far, there seems no reason why they should not have continued the process.

<sup>15</sup> I ignore the two overt glosses 'Paphlagonia [nunc in duas divisa]' and 'Armenia minor [nunc et maior addita]'.

<sup>16</sup> *ILS* 1255.

<sup>17</sup> *De Synodis*, proem (Migne, *PL* x, 479), 'dilectissimis et beatissimis fratribus et coepiscopis provinciae Germaniae Primae et Germaniae Secundae et Primae Belgicae et Belgicae Secundae et Lugdunensis Primae et Lugdunensis Secundae et provinciae Aquitaniae et provinciae Novempopulanae et ex Narbonensi plebibus et clericis Tolosanensis et provinciarum Britanniarum episcopis.'

<sup>18</sup> xv, xi, 13.

<sup>19</sup> See note 17.

<sup>20</sup> xviii, 1, 4; xxii, i, 2; xv, xi, 14.

<sup>21</sup> *Breviarium*, 6.

<sup>22</sup> Mansi, *Conc.* III, 615, 'dilectissimis fratribus et episcopis provinciae Viennensium et Narbonensium Primae et Secundae.'

<sup>23</sup> *Ges. Schr.* v, 583.

<sup>24</sup> *Abh. Preuss. Ak. (phil.-hist. Kl.)*, 1938, 9 ff.

<sup>25</sup> Sir William Ramsay (*Cities and Bishoprics of Phrygia*, 80 ff.) threw doubt on their value, basing his argument on Gelasius II, 28 and 38. This is a select list of Nicene signatures in which a few bishops sign each for a group of provinces, and amongst these appear Phrygia I and II (also Hellespont). But this list is clearly a late compilation containing many anachronisms, though it incorporates some old material (e.g. the name Diospontus) taken from the genuine signatures.

The Nicene list recognizes only one Phrygia, instead of the Phrygia I and II of the Verona list, and does not admit the existence of the province of Hellespontus, placing two of its cities, Ilium and Cyzicus, in Asia. In Oriens the Verona list records 'Arabia item Arabia Augusta Libanensis Palestina Fenice Syria Coele Augusta Eup(hr)atensis'. It thus depicts Syria as divided into three coastal provinces, Coele Syria, Phoenice, and Palestine, and three or four provinces facing on the desert, Augusta Euphratensis, Augusta Libanensis, Arabia, and probably a second Arabia. This corresponds with the arrangements known in the late fourth century, though the titles of the inland provinces differ. The Nicene signatures recognize only the old third-century provinces of Coele Syria (which includes Hierapolis and other cities of the later Euphratensis), Phoenice (which also includes cities of the later Libanensis, Emesa and Palmyra), Arabia and Palestine (which last includes Aelia, which in the Principate had been in Arabia). They also ignore Osrhoene, putting its capital, Edessa, in Mesopotamia.

Sundry documents connected with the council of Sardica <sup>26</sup> (343-4) give the same arrangement for Oriens—Mesopotamia, Coele Syria, Phoenice, Palestine, Arabia—but in Asiana record a separate province of Hellespont and (in some cases) two Phrygias. Ammianus in his survey of Oriens <sup>27</sup> (inserted in the narrative under the year 353) distinguishes Osrhoene from Mesopotamia, and Euphratensis from Syria, but still makes Phoenice one province, including both the coastal cities and Damascus and Emesa, and for the rest speaks only of Palestine and Arabia. We know from a letter of Libanius <sup>28</sup> that Euphratensis already existed in 358, and from another group of letters <sup>29</sup> that Palestine was divided in 357-8, the area which had been the southern half of Arabia becoming a separate province, known (as appears from later sources <sup>30</sup>) as Palestina Salutaris.

The Verona list for Asia Minor might then be dated between 325 (when Hellespont was still part of Asia, and Phrygia was undivided) and 337 (when Diospontus had become Helenopontus). For Oriens the date would have to be later than 343-4 (when the Nicene arrangement still stood), but earlier than 357-8 (when Palestine was divided).

The Nicene list, however, recognizes only one Aegyptus, and in this case we happen to know that the two provinces of Iovia and Herculia were united in 324, and that Herculia was revived in 341 under the name of Augustamnica.<sup>31</sup> It is at least possible that the same happened in other cases, and the fact that the provinces of the Verona list mostly bear different names from those of the late fourth century is slightly in favour of this view. Euphratensis, though called *Αὐγουστοεὐφρατησία* in ecclesiastical documents, never again officially bears the title Augusta.<sup>32</sup> Augusta Libanensis is replaced by Phoenice Libanensis. The second Arabia, having been joined in the interval to Palestine, becomes Palestina Salutaris. Phrygia Secunda reappears as Phrygia Salutaris (first attested under that name in 361<sup>33</sup>). Only Osrhoene and Hellespontus keep their old names: in the last case an inscription <sup>34</sup> recording Anicius Paulinus as '[pr]oconsuli prov. Asiae et Hellesponti' (before he became prefect of the city in 331) shows clearly that Asia and Hellespont had been two provinces and were reunited under Constantine.

Thus far there would seem to be no cogent reason against accepting the Verona list as a homogeneous document drawn up in the second decade of the fourth century. There remains one possible objection. Mommsen <sup>35</sup> observed that, while in the eastern dioceses

<sup>26</sup> Hilary, *de Synodis*, 33 (Migne, *PL* x, 506-7), *Opera* iv (CSEL), 49, 68, Athanasius, *Apol. c. Ar.* i, 37, *Hist. Ar.* 28, Theodoret, *HE* II, 8, Vigilius Tapsensis, *c. Eutychem*, v, 3 (Migne, *PL* LXII, 136), collated by Feder in *Sb. Ak. Wien.* CLXVI (1910), 5, 64-70, 94-100.

<sup>27</sup> XIV, viii, 7-13.

<sup>28</sup> *Ep.* 21.

<sup>29</sup> *Ep.* 334-5 (cf. 315, 321, 563).

<sup>30</sup> *Not. Dig. Or.* i, 87, II, 16, XXII, 24; Jerome, *Quaest. ad Gen.* XVII, 30.

<sup>31</sup> Index to the Festal Letters of St. Athanasius, 13; cf. *Cod. Theod.* XII, i, 34 (342).

<sup>32</sup> The title Augusta Euphratensis is recorded in the *Acta SS. Sergii et Bacchi* (*Anal. Bolland.*, XIV

(1895), 375 ff.), whose dramatic date is 303-5: these *Acta*, though rhetorically embellished, seem to rest on a genuine narrative. It is used in the *Acta* of Constantinople (381) and Chalcedon (451). The province is called Euphratensis in Polemius, the *Notitia Dignitatum*, Hierocles, Georgius Cyprius, and Just. *Nov. viii*, *Notitia*: also in *Cod. Theod.* VII, XI, 2; XV, XI, 2; *Cod. Just.* VIII, X, 10. Augusta Euphratensis, which evidently survived in popular usage, reappears officially in *Cod. Just.* XII, lix, 10 under Leo.

<sup>33</sup> *Cod. Theod.* I, vi, 1.

<sup>34</sup> *ILS* 1220.

<sup>35</sup> *Ges. Schr.* v, 580 ff.



the order of the provinces is geographical, in the western it is official, consular provinces preceding praesidial. If this observation is true, it raises the presumption that different authors produced the two halves of the list at different dates. It would have the further effect, not noted by Mommsen, that the western half could not be as early as he dated it, 297, seeing that consular provinces did not exist at that time. It would also throw some doubt on a date earlier than 320, for the rank of *consularis* seems to have been very recently established at this time, and very few provinces had governors of that rank. As the point is of interest not only for the present argument, but on general grounds, it will be as well to set out the evidence. No province which is praesidial in the *Notitia Dignitatum* is known to have had a governor of higher rank since the tetrarchy, and as the tendency after Diocletian was always to upgrade provinces, and never to downgrade them, it is very unlikely that any had. We can leave out of account the Italian provinces and Sicily, governed under Diocletian by *correctores*, most of whom were later upgraded to *consulares*. We thus need only consider the remaining consular provinces, which number fifteen in the East, and thirteen (excluding the later creation of Valentia) in the West. Of these nine and ten respectively can be proved to have been praesidial at one time, and in two more eastern provinces there is evidence which suggests, though it does not prove, that they were governed by equestrian *praesides*. The doubt arises from the ambiguity in the use of the term *praeses*, which was certainly still used at the beginning of Diocletian's reign in its old vague sense of 'governor' (of any grade), and does not seem to become a technical term for the lowest grade of governor (as opposed to *corrector*, *consularis* and *proconsul*), till the latter part of Constantine's reign.

|              |  |
|--------------|--|
| PALESTINE.   | Eusebius speaks of τὸ περὶ τὸν ἡγεμόνα στρατιωτικὸν στίφος ( <i>Mart. Pal.</i> , 4, 8) and τῆς ἡγεμονικῆς τυγχάνων οἰκετίας ( <i>Mart. Pal.</i> , 11, 24), but the literary usage of ἡγεμών at this date is probably not technical.  |
| PHOENICE.    | <i>P. Ryl.</i> iv, page 104, 'domino suo Achillio ἡγεμ. Φοινείκης' (317-23) is perhaps not technical, but is confirmed by <i>Cod. Just.</i> , 11, lvii, 1, 'Marcellino praesidi Foenice' (342); <i>CIL</i> III, 6661, from Palmyra, probably refers to the governor of Augusta Libanensis.   |
| COELE SYRIA. | In <i>ILS</i> 1211, 'L. Aelio Helvio Dionysio c.v. iudici sacrarum cognitionum totius Orien., praesidi Syriae Coele[s], correctori utriusque Italiae,' <i>praeses</i> is clearly used untechnically, since the man was a senator; he was later in 298 proconsul of Africa ( <i>frag. Vat.</i> 41), and in 301 <i>praefectus urbi</i> . <i>Cod. Just.</i> , ix, xli, 9, 'ad Charisium praesidem Syriae' (290), is doubtful, but a tiny fragment from Aradus, <i>CIL</i> III, 185, 'in[v]ictis A[ugg . . . v.p. pr. . . ]' settles the matter. |
| CILICIA.     | <i>CIL</i> III, 223, 'Aimilius Marcianus v.p. praes. Ciliciae' (under the tetrarchy). Cf. also <i>CIL</i> III, 13619-21, <i>Cod. Theod.</i> xi, xxx, 24 (348), 11, xxi, 1 (358).   |
| PAMPHYLIA.   | <i>Cod. Theod.</i> xiii, x, 2, 'ad Eusebium v.p. praesidem Lyciae et Pamphyliae' (311; see Seeck, <i>Regesten</i> , 52) and <i>IGR</i> III, 434, τὸν διασημώτατον ἡγεμόνα Λυκίας Παμφυλίας Τερέντιον Μαρκιανόν.  |
| BITHYNIA.    | Lactantius, <i>de Mort. Pers.</i> 16, 'Hieroclem ex vicario praesidem' (of Bithynia in 303) is doubtful. Hierocles was a v.p. when <i>praeses</i> (of Augusta Libanensis?) in <i>CIL</i> III, 6661, and presumably as <i>vicarius</i> , since all known <i>vicarii</i> under Diocletian were <i>perfectissimi</i> .  |
| EUROPA.      | <i>IGR</i> I, 789-92, ἡγεμονεύοντος τοῦ διασημώτατου Δομιτίου Δομνείνου (tetrarchy).   |
| THRACE.      | <i>ILS</i> 8944, 'Palladio v.p. praesi[de p]rovinciae Thraciae' (c. 340).  |
| CRETE.       | <i>IGR</i> I, 1511-2, Μάρκος Αὐρήλιος Βύζης ὁ διασημώτατος ἡγεμών τῆς Κρήτης (tetrarchy).  |
| MACEDONIA.   | <i>AE</i> 1939, 191. 'Aur. Nestor v.p. praes. prov. Maced.' (Carinus); <i>Acta Agapae, Irenae, Chionae</i> ; <i>Studi e testi</i> , ix (1902), 15, Δουλακτίσιος ἡγεμών at Thessalonica in 304.   |

- DACIA *Cod. Theod.* II, xix, 2, 'ad Claudium praesidem Daciae' (321); Dacia was at this time apparently re-united.
- MEDITERRANEA.
- PANNONIA II. *Acta Irenaei*, Knopf-Krüger, *Ausgewählte Märtyrerakten*<sup>3</sup>, 103, Probus *praeses Pannoniae* at Sirmium in 303-5. *ILS* 1253, 'Clodio Octavian[o], v.c., pontifici maiori, consul(ar)i Pannoniarum secundae post presides primo.' He was later proconsul of Africa under Julian and Jovian (*Amm. Marc.* xxix, iii, 4, *ILS* 756), and perhaps the immediate predecessor of Africanus, consular of Pannonia, who was executed in 354 (*Amm. Marc.*, xv, iii, 7; xvi, viii, 3).
- BYZACIUM. *AE* 1908, 197, '[V]arius Flavia[nu]s, v.p. p.p. Val. [Byz.]' (tetrarchy); *ILS* 6111 (321), 1240. This is a test case for the technical use of *praeses*, for Aradius Proculus is described as 'praesidi provinciae Byzacenae, consulari provinciae Europae et Thraciae, consulari provinciae Siciliae', and this though he was a senator by birth: that is, *praeses* is the title of a particular grade of governorship, normally held by a *v.p.* but on occasion by a *v.c.*
- NUMIDIA. See, above, p. 21, notes 6-9 and 12.
- BAETICA. *CIL* II, 2204, 'Octavius Rufus p. provinc. Baet[ic]' (Constantine), 2205, '... s Faustinus v.p. [praese]s prov. Baet.' (Constantine); *Cod. Theod.* XI, ix, 2, 'ad Egnatium Faustinum praesidem Baeticae' (337). *ILS* 1218, 'Caeciliani p.v. ... praes. Lusitaniae'; *CIL* II, 5140, 'Aur. Ursinus v.p. p. provinc. Lusitaniae' (tetrarchy); 481, 'C. Sulpicius ... s v.p. p.p. L.' (316); *ILS* 5699, 'Numeri Albani v.c.p.p. L.' (336). This is another case of a senator holding the rank of *praeses*.
- CALLAECIA. *Acta Marcelli, Anal. Boll.* xli (1923), 260, Fortunatus *praeses* at Legio. *CIL* II, 4911, 'Antoninus Maximinus a nova provincia [C]al[laecia] primus consularis [ant]e praeses' (under Maximus).
- VIENNENSIS. *CIL* XII, 1852, 'M. Alfius Apronianus v.p. p.p. Fl. Vienn.' (Constantine).
- LUGDUNENSIS I. *Cod. Theod.* XI, iii, 1, 'ad Antonium Marcellinum praesidem provinciae Lugdunensis primae' (319). The governor is addressed as 'vir perfectissime' in 297 by Eumenius (*Pan. Vet.*, ix, 1, 4, 6).
- GERMANIA I. *CIL* VI, 1641, 'praeses [provi]nciae Germaniae superioris v.p.' (Diocletian?).
- BELGICA II. *Cod. Theod.* VII, xx, 1 and 2. This depends on Seeck's plausible theory (*Regesten*, p. 60) that law 1, addressed 'Florianus praesidi', is the covering letter of law 2, an edict, and that both were posted 'in civitate Velovocorum' in 326.

I can find no evidence for Cyprus, Hellespontus, Lydia, Galatia I, Germania II, Belgica I, and Maxima Caesariensis. It may be convenient also to set out the evidence for early *praesides* of other provinces ruled under the principate by *legati Augusti pro praetore* or proconsuls.

- BRITAIN. *ILS* 5435, 'v.p. pr. [prov. Brit. pr.]'; *JRS* xix (1929), 214 (tetrarchy).
- TARRACONENSIS. *CIL* II 4104, 'v. perf. praes. prov. Hisp. Cit.' (288-9), 4105, 'v.p. [p.p.] H. Tarrac.' (312), 4106, 4108 (Constantine).
- RAETIA. *CIL* III, 5785, 5862; *ILS* 618 (290), 'v.p.p.p.R.'
- NORICUM. *ILS* 4197 (311); *CIL* III, 5326 (Constantine), 'v.p.p.p.N. Mt.'
- PANNONIA I. *ILS* 704, 'v.p.pr. p. P. super.' (Constantine).
- DALMATIA. *ILS* 5695, 'v.p. praes. prov. Del.' (280).
- ARABIA. *CIL* III, 14149, 'praeses provinciae Arabiae' (tetrarchy), 14157, 'v. p. praes. provinc. Arabiae'; C. H. Kraeling, *Gerasa*, nos. 105-6, 'v. p. praeses provinciae Arabiae' (tetrarchy), 160-1.

I know of no evidence for the Moesias and Narbonensis and Aquitania.

To return to Mommsen's views, which still appear to receive very wide acceptance among scholars, it is true that no official order is perceptible in the eastern dioceses, and that in Asiana it is obviously ignored, the proconsular province of Asia coming fourth. It is also true that a number of geographical sequences can be traced. But it is difficult to see any rational order, geographical or otherwise, in the opening of the Pontic list (Bithynia, Cappadocia, Galatia) or in the end of the Asianic (Caria, Insulae, Pisidia, Hellespontus), and many minor irregularities occur. The order is in fact arbitrary with a geographical bias.

In the western dioceses it is impossible to make an official order fit any given date. Mommsen evidently based his hypothesis on the list of consular provinces in the *Notitia*, but was obliged, in order to make it work, to assume that at the time of the Verona list some of these provinces were still praesidial. Thus in Britain the only consular province (ignoring Valentia), Maxima Caesariensis, comes third on the Verona list: Mommsen has therefore to conjecture that all four provinces were praesidial—which reduces an 'official' to a purely arbitrary order. Similarly in Gaul Lugdunensis I (consular) comes after Sequania (praesidial): therefore, it is inferred, it was still praesidial, as in fact it is recorded to be in 319. But Belgica II, second on the list, seems still to have been praesidial in 326; so that the Verona list must be more recent than that date. Viennensis, which heads the list of that diocese, was still praesidial under Constantine. In Spain Gallaecia (consular) is below Carthaginiensis (praesidial). The solution here is simple, for Gallaecia was apparently promoted by the usurper Maximus. But Lusitania, second on the list, was still praesidial in 336, and Baetica, the first, in 337: the Verona list must be brought down below that date if the official order is to be preserved at all.

In the diocese of Pannonia Clodius Octavianus, later to be proconsul of Africa in 363, was 'consul(ar)i Pannoniarum secundae post presides primo'. The order of the Verona list, where Pannonia II comes first, is therefore only official after the middle of the fourth century. In Africa, however, the first four provinces are proconsularis, Byzacium, Numidia Cirtensis, Numidia Militiana. Byzacium was still praesidial in 321, whereas Numidia had been united under a consular by 320. Here the official order is only possible before 320, and even so is reduced to putting the proconsular province first.

Any attempt to read an official order into these lists leads to confusion. Their order is in fact not much more arbitrary than that of the eastern lists. Pannonia, as Bury observed,<sup>36</sup> can be read equally well geographically as officially. Here and elsewhere the author shows a tendency to begin a diocese with a province of the same name (Britannia, Viennensis, (Africa) proconsularis), and where there were two provinces, Prima and Secunda, to place them together in that order (even if, like the two Narbonenses, they were not contiguous). He also tends to relegate outlying or marginal provinces to the end. Thus Tingitana comes at the end of Spain, and the Alpine provinces at the end of Gaul, Viennensis and Italy. Making allowances for these tendencies a rough geographical order is observed. Thus in Italy he goes from north to south in Italy proper, and throws in the islands and Alpine provinces at the end. In Africa he goes from east to west, in Gaul he sweeps round clockwise, in Viennensis he moves eastwards, in Spain northwards.

If the above arguments are correct, some important historical conclusions follow. Diocletian and his immediate successors pursued a very drastic policy of splitting up provinces. The Verona list represents almost the maximum of that policy. The Nicene signatures seem to indicate an advance, in that they separate Lycia from Pamphylia, whereas the Verona list has only Pamphylia. The name may represent the doubtful province, which was still undivided in 311.<sup>37</sup> But it is more likely that Lycia has dropped from the text owing to its resemblance to Lydia. There is another case where the Verona list may be presumed to have once contained a name which has disappeared. The province of Tripolitania certainly existed under Maxentius (306-13)<sup>38</sup> and probably in the early part

<sup>36</sup> *JRS* 1923, 136.

<sup>37</sup> *Cod. Theod.* XIII, x, 2 (Seeck, *Regesten*, 52, for date).

<sup>38</sup> *IRT* 465.

of his reign, if not earlier ;<sup>39</sup> the name has presumably vanished in the corruption of the text at the end of the diocese of Africa. It may be noted, moreover, that as Bury<sup>40</sup> suggested, the words ' Moesia superior Margensis ' are not likely to be the cumbersome title of one province, but to represent two, Moesia Superior, and an otherwise unknown Margensis ; just as ' Arabia item Arabia Augusta Libanensis ' probably represents three provinces, two Arabias and Augusta Libanensis. It may also well be that ' Dacias ' is not a mere scribal error but means two Dacias, for there were two under Carus.<sup>41</sup>

It also appears that Diocletian and his immediate successors had very little use for senators. The two senior proconsulates of Africa and Asia were allowed to survive, though drastically reduced in area, especially the latter. Some other proconsuls existed early in Diocletian's reign, in Crete<sup>42</sup> for instance, but by the early fourth century all seem to have vanished. Most were replaced by *praesides*, two by *correctores* ; Sicily<sup>43</sup> was no doubt regarded as virtually a part of Italy, and Achaea<sup>44</sup> received special treatment, as so often, for sentimental reasons. The recorded *correctores* of these provinces are all senators, but in principle *virī perfectissimi* were eligible for such posts, as the record of Italian *correctores* shows.<sup>45</sup> A further reason for the change of title was no doubt that all proconsuls were deemed to be exempt, as the proconsuls of Africa and Asia were later,<sup>46</sup> from the authority of the praetorian prefects and their vicars. Diocletian was doubtless anxious to reduce this administrative inconvenience to a minimum, and therefore, even if he often allowed senators to govern Sicily and Achaea, gave them a rank which brought them under the control of his prefects and vicars.

A few *legati* also existed in the early part of Diocletian's reign : one for instance is recorded in Phoenice,<sup>47</sup> and another in Moesia Inferior,<sup>48</sup> and Dionysius, the senator who is styled ' praeses Syriae Coeles ', probably was a *legatus*.<sup>49</sup> Later the title disappears, and the provinces once ruled by *legati* all come under equestrian *praesides*. Senators were left with the two proconsulates of Africa and Asia, and the chance of being *corrector* of Sicily, Achaea, or one of the new Italian provinces.

Constantine, it would appear, reversed both these policies fairly sharply, reuniting divided provinces, and employing senators more freely. In the West it was certainly he who amalgamated the two Numidias, and probably the two Dacias.<sup>50</sup> In the East he certainly reunited Aegyptus and added Hellespontus to Asia, and, if the Nicene signatures are trustworthy, also reversed the division of Phrygia, Mesopotamia, Coele Syria, and Phoenice, and amalgamated the southern half of Arabia, made into a separate province by Diocletian, with Palestine. He also, immediately after the defeat of Licinius, appointed Aradius Proculus consular of the province of Europe and Thrace.<sup>51</sup> In the light of this evidence it is plausible to attribute to him the recreation of a single Aquitania and the absorption of Narbonensis II into Viennensis, and the suppression of Margensis.

<sup>39</sup> *ILS* 9352 shows that Aur. Quintianus, *praeses* of Numidia in 303 (*ILS* 644), was *praeses* of Tripolitania before or after that date. It also mentions his predecessor as *praeses* of Tripolitania, Val. Vivianus (cf. also *IRT* 577 ; *CIL* VIII, 22763). In view of these facts I do not favour Seston's hypothesis (*Dioclétien et la Tétrarchie*, I, 327-31) that Numidia Militiana was the southern half of Numidia plus Tripolitania. There was a province officially called Tripolitania in the very early years of the fourth century. Seston's province would be a very awkward geographical unit. And a province the main part of which was Tripolitania would surely have been called Africa not Numidia : for although the legate of Numidia had long been responsible for policing the desert behind the three cities (*IRT* 880), the proconsul of Africa still ruled the cities under Carus (*IRT* 461). Moreover in 314 Tripolitania and two Numidias existed at the same time : Optatus, *App.* III.

<sup>40</sup> *JRS* 1923, 135-6.

<sup>41</sup> *Klio*, 1912, 234-9 : cf. Bury, *JRS* 1923, 135.

<sup>42</sup> *AE* 1933, 101 ; 1934, 259.

<sup>43</sup> *Acta S. Eupli, Studi e Testi*, XLIX (1928), 47 ; *ILS* 677 ; Eus. *HE* x, 5, 23 ; *CIL* x, 7204 ; cf. *ILS* 8843.

<sup>44</sup> *CIL* III, 6103 ; cf. *BSA* XXIX, 53, no. 80, and *IG* v, i, 538.

<sup>45</sup> *Clarissimi* are recorded in *ILS* 614 (cf. *Cod. Just.* ix, ii, 9), 1211, 1212, 1213 (cf. *CIL* x, 1655), 2941 (cf. *CIL* vi, 1419, *AE* 1914, 249) ; *Frag. Vat.*, 292 ; *CIL* x, 4785 ; xi, 1594 ; *perfectissimi* in *ILS* 1218 ; *CIL* ix, 687. *Perfectissimi* are still found sporadically among the Italian *correctores* throughout the fourth century, e.g. *AE* 1937, 119 ; *ILS* 734, 749, 755, 780 ; *CIL* x, 4755.

<sup>46</sup> As appears from the omission of Asia in *Not. Dig.* Or. II and xxiv, and of Africa in *Not. Dig. Occ.* II and xx.

<sup>47</sup> *AE* 1939, 58.

<sup>48</sup> Βάσσος ἡγῶτος appears at Durostorum in the *Acta Dasii* (*Anal. Boll.*, xvi (1897), 11). The story is dated only to Diocletian and Maximian, and may fall early in the reign, as it is a military case having no connection with the Great Persecution.

<sup>49</sup> See above p. 24.

<sup>50</sup> *Klio*, 1912, 234-9 (two Dacias in 283) ; *Cod. Theod.* II, xix, 2 (one in 321).

<sup>51</sup> *ILS* 1240.

Constantine promoted Achaea to be a third proconsulate; this he seems to have done directly he gained control of the province in 313, for C. Vettius Cossinius Rufinus, who is recorded to have been 'proconsuli provinciae Achaea sortito' (a curious archaism), rose to be prefect of the city in 315.<sup>52</sup> It is, however, noteworthy that the revived proconsulate was not accorded the constitutional privilege of the old proconsulates of Africa and Asia, but was subject to the praetorian prefects<sup>53</sup> (and probably to the vicar of Macedonia). It was probably also Constantine who created a fourth proconsulate, attested only after his death. In 355 and 356 Justinus and Araxius, proconsuls, read imperial messages to the Senate of Constantinople,<sup>54</sup> and soon after 343 a proconsul Donatus was instructed to arrest Olympius, Bishop of Aenus (in the province of Rhodope).<sup>55</sup> The post was evidently created to lend dignity to Constantinople, and probably therefore by its founder. It has generally been taken to be the proconsulate of the city only, but what we are told about Donatus suggests that Rhodope was under his authority, and that these men were proconsuls of the united province of Europe and Rhodope, with their seat at Constantinople.

Constantine also appointed senators as *praesides*. The earliest attested instance is Aradius Proculus, who was *praeses* of Byzacium in 321.<sup>56</sup> Later we find Aco Catullinus, *vir consularis*, *praeses* of Gallacia, and at the end of the reign Numerius Albinus, *v.c.*, is recorded as *praeses* of Lusitania.<sup>57</sup> But it was no doubt felt that the title of *praeses*, which had by now come to mean the lowest grade of governor, as opposed to proconsul or *corrector*, and was normally borne by men of equestrian rank, was inadequate for the dignity of a senator. Constantine created or revived the title of *consularis*. The title was in some sense a revival, for 'legati Augusti pro praetore' had been known, semi-officially at any rate, as *consulares*: but the unanimity of the legal and epigraphical texts shows that the style *consularis* was now fully official. The first recorded instance of the title is Zenophilus, consular of Numidia in 320.<sup>58</sup> Some correctorial provinces were also early promoted. We find consulars of Aemilia and Liguria<sup>59</sup> as early as 321, of Campania<sup>60</sup> before 325, and of Sicily<sup>61</sup> soon after 321. In the East the amalgamated provinces of Europe and Thrace<sup>62</sup> were placed under a consular probably soon after 324, and late in Constantine's reign L. Crepereius Madalianus is styled 'consulari Ponti et Bithyniae'<sup>63</sup>: the title is probably an archaism for Bithynia. Castrius Constans,<sup>64</sup> recorded in two south Phrygian inscriptions as ἡγεμὼν ὑπατικός or λαμπρότατος ἡγεμὼν, was also probably consular of reunited Phrygia in Constantine's reign, and the anonymous ὑπατικὸς[ν] ἡγεμὼνα Φρυγίας κ[ε] Καρίας, who with grandiloquent archaism styles himself [πρ]εσβευτήν κ[ε] ἀντιστρ[άτηγον] τῶν Σεβαστῶν ὑπατ[ικ]όν, may perhaps be dated to the opening years of the joint reign of Constantine's three sons.<sup>65</sup> The alternative dating to the middle years of Diocletian's reign, suggested by Anderson, is also possible; the inscription would then mark an early stage in the dismemberment of Asia instead of a temporary reunion of Diocletianic provinces. The use of the old title 'legatus Augusti pro praetore consularis' may be thought to favour the earlier date, but on the other hand it seems unlikely that Diocletian, who consistently suppressed old *legati*, would have created a new one.

Constantine's policy of building up larger provinces was not carried on by his sons, and in the East Constantius II soon set about reversing it, reviving Aegyptus Herculia as

<sup>52</sup> *ILS* 1217.

<sup>53</sup> Achaea appears among the provinces 'sub dispositione v. ill. PPO per Illyricum' in *Not. Dig. Or. iii*: the page on the vicar of Macedonia is missing.

<sup>54</sup> Themistius, *Or. (ed. Dindorf)* 502; *Cod. Theod.* vi, iv, 8, 9.

<sup>55</sup> Athanasius, *Apol. de fuga*, 3.

<sup>56</sup> *ILS* 1240; cf. 6111.

<sup>57</sup> *ILS* 5699; *CIL* ii, 2635. Under Constans a senator is *praeses* of Dalmatia (*CIL* iii, 1982-3, 2771, 8710).

<sup>58</sup> Optatus, *App.* i, cf. *Cod. Theod.* xvi, ii, 7.

<sup>59</sup> *Cod. Theod.* iv, xiii, 1; xi, xvi, 2; cf. *ILS* 2942.

<sup>60</sup> *AE* 1939, 151; cf. *ILS* 1216, 1223-5, 2942; *Cod. Theod.* i, ii, 6.

<sup>61</sup> *ILS* 1240; cf. 1216, 1227.

<sup>62</sup> *ILS* 1240.

<sup>63</sup> *ILS* 1228.

<sup>64</sup> *AE* 1940, 187 (= MAMA vi, 94); *ILS* 8881. The first inscription was found at Heraclea ad Salbacum (later in the province of Caria), the second at Eumeneia.

<sup>65</sup> *JRS* 1932, 24 (from Hierapolis and Laodicea). The area which he governed need not have comprised the whole of Phrygia and Caria; for Phrygia (Pacatiana) included some Carian cities, and was officially known under Valens as Καροφρυγία (Theodoret, *HE* iv, 8, 9). Castrius Constans' province included a Carian city (see note 64).

Augustamnica as early as 341. By the end of his reign most of the provinces of the Verona list had been reconstituted in the East.

The other process of upgrading provinces seems to have gone on with little, if any, interruption.<sup>66</sup> Owing to the inadequacy of the evidence it is difficult to say how far Constantine had carried the policy before he died, and therefore how far his sons continued his policy. The *corrector* of Flaminia and Picenum was promoted to a consular about 350,<sup>67</sup> as was the *praeses* of Pannonia II,<sup>68</sup> and Baetica, still under a *praeses* in 337, was under a consular in 357.<sup>69</sup> Coele Syria was also a consular province in 344,<sup>70</sup> but may well have been so already under Constantine. Many provinces are first attested as consular in the 360's, and while a few, like Tuscia and Umbria, and Venetia and Histria,<sup>71</sup> can be proved to have been promoted in that period: for most there is no evidence.

The proconsul whose seat was at Constantinople disappeared when in 359 the city received its first prefect.<sup>72</sup> No more proconsulates were created till the early 380's, when three appear more or less simultaneously, Palestine<sup>73</sup> in the East, Campania<sup>74</sup> in Italy, and a third in Spain;<sup>75</sup> all three were suppressed after a very few years.

<sup>66</sup> The consular governors of Phrygia or Phrygia and Caria (see notes 64 and 65) disappear in favour of *praesides* of the two Phrygias and Caria; here no doubt the break-up of the complex governed by a consular carried with it the disappearance of the *consularitas*. A doubtful case is Phoenice, which was under a *praeses* in 342 (*Cod. Just.* II, lvii, 1). Socrates (*HE* I, 29) speaks of Archelaus the ὑπατικός as arresting Arsenius at Tyre, but his terminology cannot be pressed. Seeck (*Regesten* 39-40) argues that the Dionysius who received two constitutions (*Cod. Theod.* IX, xxxiv, 4; VIII, xviii, 4; *Cod. Just.* VI, ix, 8) at Tyre and Heliopolis in 328-9 is identical with the Dionysius ἀπὸ ὑπατικών who presided at the Council of Tyre in 335 (*Eus. Vita Const.* IV, 42) and had been consular of Phoenice in 328-9. This is plausible, but not conclusive; for Dionysius is a

common name; and even if the same man is meant in both cases, he might have been *praeses* of Phoenice, consular of some other province, and then president at Tyre.

<sup>67</sup> Contrast *CIL* VI, 1772; XI, 6218-9; XIV, 3582-3, with *AE* 1904, 52.

<sup>68</sup> *ILS* 1253; see above p. 25.

<sup>69</sup> *Cod. Theod.* IX, xlii, 3.

<sup>70</sup> *Cod. Theod.* XI, xxxvi, 7; cf. 8 and x, i, 6.

<sup>71</sup> Contrast *Cod. Theod.* IX, i, 8 with XII, i, 72; *CIL* V, 8658, 8987, with *Cod. Theod.* VIII, viii, 1; XI, vii, 10.

<sup>72</sup> Soc., *HE* II, 41; *Chron. Min.* I, 239.

<sup>73</sup> *Cod. Theod.* XI, xxxvi, 28; xxx, 42; x, xvi, 4.

<sup>74</sup> *ILS* 5702, 1262-3, 8984; *CIL* IX, 1568-9; x, 3843.

<sup>75</sup> Sulp. Sev. *Chron.* II, 49.

#### ADDENDUM

P. 21, par. 2, l. 5 from the end, after the word Μαυρετανίας: and in the first half of 314, when Constantine instructed Aelafius to despatch to Arles not only Coecilian (from Proconsularis) but others 'de Byzacena, Tripolitana Numidiarum et Mauretaniarum provinciis'. Optatus, App. III.



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THE DATE OF THE "APOLOGIA CONTRA ARIANOS" OF ATHANASIUS

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généralement anti-ariens, tout laisse croire qu'Eustathe y fut amené par la polémique. Contre ceux qui diminuaient tour à tour dans le Christ l'humain et le divin, il eut à montrer la perfection réciproque de l'homme et du Verbe. Eustathe, en ce sens, ne serait pas né *antiochien*. Les Ariens l'auraient rendu tel.

Eustathe d'Antioche nous paraît donc peu fondé à servir de témoin pour attester la continuité d'une tradition antiochienne. Ses idées trinitaires ne portent aucune marque spéciale. Elles sont même fortement bibliques. Sa christologie, très affirmative sur l'unité du Sauveur, ne doit peut-être son dualisme exagéré qu'aux circonstances. Mais ces affirmations, grosses de conséquences, exigeraient une argumentation plus détaillée et d'autres développements. Elles ont permis au moins quelques remarques, à notre sens opportunes, sur la doctrine d'Eustathe d'Antioche.

M. SPANNEUT

#### THE DATE OF THE *APOLOGIA CONTRA ARIANOS* OF ATHANASIUS

IN the opinion of its most recent editor, Dr. Hans-Georg Opitz (*Athanasius' Werke*, herausgegeben im Auftrage der Kirchenväter-Kommission der preußischen Akademie der Wissenschaften, Band ii, 87), there is no reason for placing the composition of the *Apologia* later than the date implied by ch. 89, viz. 357. On the other hand, the *Apologia* is in his opinion a unitary work, and did not, as some have believed (L. Duchesne, *Mél. d'Arch. et d'Hist.*, 1908, 37; P. Peeters, *Bull. Acad. Roy. Belg.* 1944, 174, note 2), pass through two stages or editions, being mostly written in or shortly before 350 and reaching its final form in or shortly after 357, when ch. 89 was added.

There is a sentence in ch. 83 which suggests that the *Apologia* was at any rate revised more than ten years after 357. In Dr. Opitz's text it reads: ὁ μὲν γὰρ γράψας αὐτὰ 'Ροῦφός ἐστιν ὁ νῦν ἐν τῇ Αὐγουσταμνικῇ σπεκουλάτωρ. In the apparatus criticus, however, the more careful reader will find: Αὐγουσταμνικῇ Op. denn praefecti augustales gibt es erst seit 382 Αὐγουσταλιανῇ BCKR Αἰγύπτῳ E, a. Rd.: γρ' Αὐγουσταλιανῇ E. In other words, the manuscripts read Αὐγουσταλιανῇ, and Dr. Opitz has arbitrarily corrected them to suit a modern theory.

Athanasius states that Rufus, who took the records of the Mareotic Commission in 335 (presumably as an *exceptor* of the prefect of Egypt), now holds the (higher) rank of *speculator* in the *officium* (τάξει is to be understood) of the Augustal (Prefect). Dr. Opitz asserts that there were no Augustal prefects until after 382. This is indeed the commonly received opinion; but it is only tenable if this passage is ignored or



explained away. It would be sounder historical method to review the other evidence and see if it is conclusive.

In the *Laterculus Veronensis* (i. 2-18; the best text is in Seeck's edition of the *Notitia Dignitatum*, 247-53), which is probably to be dated about 320, the diocese of Oriens, which was from Constantine's time ruled by the *comes Orientis*, includes the provinces of Egypt. Two inscriptions (*I.L.S.* 1231, 1237), recording the careers of Placidus (cos. 343) and Vulcacius Rufinus (cos. 347), confirm the *Laterculus*; for each is stated to have been before his consulship *comes Orientis Aegypti et Mesopotamiae*. Egypt later became a separate diocese; it is first specifically so called on 8 March 383 (*Cod. Theod.* XII. i. 97). The change is usually dated to c. 381 because the title of *praefectus Aegypti* gives way to that of *praefectus Augustalis* in the Code between 17 March 380 (XII. i. 80 and xv. i. 20 'Iuliano praefecto Aegypti', cf. XII. xviii. 1 'ad Tatianum praefectum Aegypti' of 10 May 367) and 14 May 382 (VIII. v. 37 'ad Palladium praefectum Augustalem'). For it is a plausible hypothesis that the change in the prefect's title coincided with the creation of the new diocese. This conclusion is confirmed by the fact that a *comes Orientis* still held authority in Egypt as late as 1 January 370 or 373—the consular date is ambiguous (XII. i. 63 'hos igitur atque huiusmodi intra Aegyptum deprehensos per comitem Orientis erui e latebris': the law is addressed to Modestus, praetorian prefect of the East, and deals with *curiales* who evade their duties by becoming monks).

This looks convincing until we consider the other evidence. The most important item is the Athanasius passage which, except on the very unlikely hypothesis that it is a posthumous correction or addition, proves that the prefect bore the title of Augustalis before 2 May 373, when Athanasius died. Another less conclusive piece of evidence is *Cod. Theod.* VII. vi. 3 of 9 August 377, 'per Aegyptum et Orientis partes. . . per Asianam vero et Ponticam dioecesim'. The natural reading of this law suggests that Egypt and Oriens were separate dioceses like Asiana and Pontica. A third piece of evidence is a Latin consular list (*Chron. Min.* i, 295) which gives the following information:

367 'eo anno introivit Tatianus in Alexandria primus Augustalis VI kl. Februarias'.

368 'sub Tatiano Augustalio'.

369 'sub eodem Tatiano Augustalio'.

370 'sub eodem Tatiano'.

371 'sub Publico Augustalio'.

The consulates after 367 have been muddled in the list and one omitted: I give the correct dates as fixed by the Festal Index. These entries have hitherto been written off as anachronisms, and the emphatic statement

under 367 interpreted as merely meaning that this was the first year of Tatian's prefecture (of Egypt, wrongly dubbed Augustal). In view of the other evidence the words of the Chronicle deserve more attention, especially as the author evidently had special knowledge of Egypt (note the use of the Egyptian months Epeiph and Phaophi under 363 and 371).

Yet a fourth piece of evidence must be considered: a metrical (?) inscription giving Tatian's full career (*I.L.S.* 8844). The relevant lines run:

ἀρχὴν Θηβαίων λάχεν, ἐ[ἰτ'] Αἰγύπτου πάσης,  
 κείθεν ὑπατικὸς Συρίας ἡδ' ὁ[πλ]αρχος ἑώας  
 θησαυρῶν τε θείων κόμ[ης], ἐ[ἰτ'] ἑπαρχος μέγας φάνη.

Tatian was, first, *praeses* of the Thebaid (as also recorded by *C.I.G.* 4816); then governor of *all* Egypt; then consular of Syria and whatever the last two words of the second line mean; and *comes sacrarum largitionum* (as also recorded in *Cod. Theod.* x. xx. 8, x. xxii. 1, and ix. xxi. 8, of 16 February, 11 March, and 21 May 374); then praetorian prefect (of the East), as frequently recorded in the Code between 388 and 392. Mommsen hesitantly restored the mysterious word as ὁ[πλ]αρχος, interpreting the phrase as referring to an otherwise unattested earlier praetorian prefecture of the East. This interpretation is very improbable, for Tatian could hardly after being praetorian prefect drop back to the lower office of *comes sacrarum largitionum*. The phrase must, I think, mean *comes Orientis*, however it is restored (ἔ[π]αρχος?), which would make *comes sacrarum largitionum* a suitable promotion.

Tatian ruled all Egypt, that is, the diocese, not merely the province of Aegyptus; it is a plausible hypothesis that he did so as Augustalis. In that case, according to the order of precedence recorded in the *Notitia Dignitatum Orientis* (in my opinion to be dated to about 395, and fairly certainly not earlier), he would have ranked immediately below the *comes Orientis* and above all vicars. If his next post was consular of Syria the move would have been a demotion, which is improbable, and it might therefore be argued that he was not *praefectus Augustalis* but merely *Aegypti*, in which case the move to consular of Syria would be a slight promotion, or at any rate not a demotion. The tendentious punctuation of my paraphrase of the poem indicates my solution: that Tatian became concurrently consular of Syria and *comes Orientis*. The cumulation of these two offices is perfectly plausible, since the holders of both resided at Antioch and had similar duties at different levels. It is unusual, but may, I think, be accounted for by Tatian's peculiar position. Tatian may have been promised the prefecture of Egypt to be followed by the *consularitas* of Syria. When the prefecture was raised

in status to the *Augustalitas*, which ranked much higher than a *consularitas*, the *comitiva Orientis*, which ranked higher still, was thrown in.

All this strongly suggests that Tatian was the first Augustal Prefect in 367 to 370, and as such ruled the (newly created) diocese of Egypt. What of the contrary evidence cited at the beginning of this article? The title *praefectus Aegypti* in *Cod. Theod.* XII. i. 80 and XV. i. 20 (parts of one law dated 17 March 380) must be assumed to be an error; when abbreviated *praefectus Aegypti* and *praefectus Augustalis* would have looked very much alike. The title of *praefectus Aegypti* given to Tatian himself in *Cod. Theod.* XII. XVIII. 1 of 10 May 367 may also be an error. But it is also possible that the Chronicle is not absolutely accurate and that the prefecture was upgraded during Tatian's tenure of it. This would give a plausible explanation for Tatian's sudden rise from mere *praeses* of the Thebaid to *praefectus Augustalis*, and for the emergency cumulation of the *comitiva Orientis* and the *consularitas* of Syria which I have postulated.

*Cod. Theod.* XII. i. 63 (in which the *comes Orientis* is instructed to arrest monks in Egypt, dated 1 January 370 or 373) is more of a problem. It is possible that, despite the Chronicle, the prefecture was not upgraded till Tatian's last year, 370; in which case Athanasius must have written in the sentence about Rufus in the last two years of his life. Or it may be that, though the prefect of Egypt became Augustalis and acquired authority over all (the diocese of) Egypt, he remained for the time being under the authority of the *comes Orientis*. Or, thirdly, the *comes Orientis* of the law may be the military officer more usually known as the *magister militum per Orientem*. Ambrose (*Ep.* 40) alludes to this officer in connexion with the destruction of the synagogue at Callinicum in 388 as '*comes Orientis militarium partium*', and Paulinus (*Vit. Ambros.* 22) calls him simply '*comes Orientis*'. The rounding up of Egyptian monks was liable to be a full-scale military operation.

Be that as it may, I would claim that the *Augustalitas* was created between 367 and 370, and that Athanasius revised the *Apologia contra Arianos* after that date.

A. H. M. JONES

#### A CELTIC TEXT OF THE LATIN APOCALYPSE PRESERVED IN TWO DURHAM MANUSCRIPTS OF BEDE'S COMMENTARY ON THE APOCALYPSE

THE two Durham manuscripts which provide the subject-matter for this note are numbered A. iv. 28 and B. iv. 16 respectively in the present-day catalogue of the Cathedral Library, and are fully described by



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The Career of Flavius Philippus

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## THE CAREER OF FLAVIUS PHILIPPUS

The career of Flavius Philippus, praetorian prefect of the East, is linked at both ends with that of Paul, Bishop of Constantinople. Philip's first recorded act as praetorian prefect was the arrest of Paul, and his expulsion to the Western parts (Soc. II. 16, Soz. III. 9). The confused ecclesiastical sources unfortunately leave the date of this event very uncertain. Paul had been previously exiled after the riots in the course of which Hermogenes, the *magister equitum*, was killed, and this event is firmly fixed by a consular date to 342 (Soc. II. 13, Soz. III. 7): it was probably on this occasion that he was sent in chains to Singara, where Constantius then was, and subsequently to Emisa (Ath. Hist. Ar. 7). His return to Constantinople and expulsion by Philip is placed by Socrates and Sozomen very shortly afterwards, before the Council of Sardica, but this does not accord with what is known from the Code of Philip's career. His predecessor Domitius Leontius was still in office on 6 July 344 (*Cod. Theod.* XIII. iv. 3), in which year he was the eastern consul. Philip is first firmly attested on 28 July 346 (*Cod. Theod.* XI. xxii. 1); this date is now generally accepted, though Seeck (*Reg.* 41.) emended it to 353. Paul must then have returned about the same time as Athanasius, who entered Alexandria 21 Oct. 346. Philip is probably next mentioned on 9 June 347 (XI. xxx. 20). The date of the law, *p.c. Constantii iterum et Constantis A.A.* (340), must be wrong, for at that date Leontius was certainly prefect, but it can be readily emended to *p.c. Constantii IIII et Constantis III A.A.* (347): Seeck (*Reg.* 41) proposed to move this law also to 353 (*p.c. Constantii A. V et Constantii C.*). He was consul and simultaneously praetorian prefect in 348 (*B.G.U.* 405, 456), and still prefect of the East on 20 Sept. 349 (*Cod. Theod.* III. xiii. 1, VIII. xiii. 1 and 2), and in the spring of 350, when Constantius directed Nestorius the prefect of Egypt and Felicissimus the *dux*, "whether Philip the prefect or anyone else should venture to plot against Athanasius, to resist him" (Ath. Hist. Ar. 51, cf. *Apol. Const.* 10 and 22-3).

Philip still held the office of praetorian prefect after 15 March 351, for a bronze gilt statue was erected at Chytri in Cyprus (which has therefore been conjectured to be his native town) *pro virtutum meritis et laborum quos in praefectura emensus est viro clarissimo Philippo praef. praetorio* by Constantius and Gallus (*ILS.* 738). According to Zosimus (II. 46-9) he was with Constantius in Illyricum in the summer of 351, and was sent by him on a diplomatic mission to Magnentius; Zosimus does not state what post he held at this date. He is never said to have returned from this mission, and disappears

from history, as recorded in the literary sources, after the battle of Mursa (28 Sept. 351).

Seeck (*Reg.* 146) held that Philip was replaced as praetorian prefect of the East by Thalassius when Gallus was proclaimed Caesar on 15 March 351, but continued to be praetorian prefect, being appointed to Illyricum — and Italy by anticipation. This view has been controverted by Ensslin (*PW* VA. 1199), who has rightly pointed out that Thalassius remained with Constantius in Illyricum during the summer of 351, where his presence is not only recorded by Zosimus (II. 48), but more firmly attested by a documentary source; he was one of the imperial commissioners before whom Photeinus, bishop of Sirmium, conducted his debate with Basil, bishop of Ancyra (Epiphanius, *adv. Haer.* 80), a debate which according to Socrates (II. 29) took place *p.c.* *Sergii et Nigriniani* (351) not long before the battle of Mursa. Thalassius (and Gallus) probably did not go to the East till after the battle, and Philip probably remained praetorian prefect of the East meanwhile. He was certainly praetorian prefect after Gallus' proclamation, as the inscription from Chytri proves; and Vulcatius Rufinus was apparently Constantius' prefect of Illyricum at this time, for the record of the debate between Photeinus and Basil at Sirmium was kept by Callicrates, ἐκσκέπτορι Ῥουφινου τοῦ ἐπάρχου. Rufinus had been praetorian prefect of Italy and Illyricum in the last part of Constans' reign, had retained his post under Vetranio in Illyricum, and had been, as such, one of the envoys sent by Magnentius and Vetranio to treat with Constantius in the autumn of 350. He had been honorably received by Constantius, and was evidently confirmed in his position of praetorian prefect of Illyricum on Vetranio's abdication (Petr. Patr. in *FHG.* IV. 190, cf. Palanque, *Essai sur la prefecture du prétoire*, 29–31).

Seeck (*Reg.* 146) furthermore held that Philip continued to be praetorian prefect of Italy and Illyricum, as colleague of Vulcatius Rufinus, until after 3 Nov. 353. This conclusion he based on three laws addressed to Philip as praetorian prefect, which he dated to 353. Two of these have already been mentioned. In one (*Cod. Theod.* XI. xxii. 1) there is no need to alter the date given by the Code, 346. In the other (XI. xxx. 20) the date in the Code, 340, is false, but can be as easily emended to 347 as to 353. There remains the third law, *Cod. Theod.* VIII. vii. 2., dated *iii Non. Nov. Arelato Constantino A. VII et Constantio Caes. cos.* The consulship (326) is clearly wrong, and it is impossible to find a year in which Philip, who was continuously in the service of Constantius in the East, could have received a law dated from Arelate earlier than 353, *Constantio A. VI et Constantio C. II cos.* Constantius spent the winter of 353–4 at Arles, celebrating his Tricennalia there on 10 October, and marching out thence in the spring of 354 (*Amm. Marc.* XIV. v. 1, XV. v. 10).

This seems incontrovertible evidence, and both Stein (*Byzantion* IX. 331) and Ensslin (*PW*, XIX. 2370–2, cf. XXII. 2433) have accepted Seeck's view.

It involves the hypothesis of a collegiate prefecture of Italy and Illyricum from 351 to 353, for Vulcatius Rufinus undoubtedly continued to rule these areas as praetorian prefect (*Cod. Just.* VI. xxii. 5 of 26 Feb. 352, and *Cod. Theod.* II. ix. 1 and III. v. 1, placed in 12 May 352 by Seeck *Reg.* 20), until he moved with Constantius to Gaul, where he is found in the spring of 354 (*Amm. Marc.* XIV. x. 4). Palanque (*Essai sur la Prefecture du Pretoire*, 22), who dislikes collegiate prefectures, proposed to emend Philip's title in the law of 3 Nov. 353, and even suggested that it might have been addressed to another Philip. But neither hypothesis is likely. There is no reason to question the text, which gives *ad Philippum PPO*, and it is most unlikely either that Philip would have held a lower office, having been for many years praetorian prefect, or that an unknown Philip should appear from nowhere holding this high office.

There is however another piece of evidence which makes it impossible to believe that Philip still was prefect or indeed still alive as late as the end of 353. Athanasius (*Apol. de fuga*, 3, *Hist. Ar.* 7) states that Philip, "the former prefect", was responsible for the death at Cucusus of Paul, bishop of Constantinople, and in the latter passage adds: "But the divine justice did not overlook this either; for not a year had passed before Philip was removed from his office with great ignominy, so that he became a private citizen, and was mocked by those by whom he least liked to be mocked. He too suffered great anguish, 'groaning and trembling' like Cain, and every day expecting the executioner. He too died far from his own country and his friends."

The ecclesiastical sources are precise about the date of the final exile and death of Paul. Socrates (II. 26) and Sozomenus (IV. 2) both place it in their narrative after the usurpation of Magnentius and Vetrano, early in 350, and before the proclamation of Gallus as Caesar on 15 March 351. The earlier limit is confirmed by a document of no great value, the Passion of the Holy Notaries (*Anal. Boll.* LXIV (1946), 169), which states that the charge against Paul was treasonable correspondence with Magnentius. The lower limit is confirmed by the fact that Philip, as praetorian prefect of the East, was responsible for Paul's death, for he must have laid down this office not later than the autumn of 351, and cannot have executed it after the summer of that year, when he was despatched as envoy to Magnentius.

The doctrine of the divine vengeance is liable to have a disturbing on history, and especially chronology. Athanasius probably exaggerates the depth of Philip's disgrace, for his memory was not condemned; Gallus' name has been erased from the inscription at Chytri but not Philip's. But Athanasius, writing only six or seven years later, would have exposed himself to ridicule if Philip, instead of being dismissed from office within a year of Paul's death and dying without recovering it, had, as Seeck suggests, pursued a successful career as praetorian prefect for three years. Athanasius' testimony moreover receives some support from Zosimus' narrative (II. 46-9) of the events of 351.

It is a confused story, evidently much compressed from Eunapius. Constantius sends Philip ostensibly to treat with Magnentius, but really to spy out his movements and strength. Invited by Magnentius to address the army, he makes a rousing speech in favour of Constantius, but ends up with an offer that Magnentius should retain the Gauls if he evacuates Italy. Magnentius moving to the attack is checked at Siscia, but tells Constantius' troops that he is acting on the emperor's orders, for Philip had instructed him to evacuate Italy and Noricum, and he is therefore marching into Illyricum to conduct negotiations for peace there. Constantius' troops are deceived, and cease resistance. Constantius marches to Cibalis, where he feasts his officers, but Thalassius and Latinus do not attend owing to their anxiety about Philip, "whom Magnentius was holding when he had been sent on an embassy to him." An envoy from Magnentius, Titianus, now arrives and delivers an insolent message, despite which he is allowed to return to his master, "though Philip had stayed with him." This is the last that is heard of Philip. It is permissible to guess that his apparently equivocal conduct, in allowing his name to be used to deceive the troops at Siscia, and in failing to return after hostilities had broken out, roused Constantius' suspicions of his loyalty, and that he was dismissed and replaced by Thalassius as praetorian prefect of the East, and died before he could rehabilitate himself.

An emended date in the Theodosian Code is hardly sufficient evidence to give the lie to the explicit and almost contemporary testimony of Athanasius. It remains to account for the false date. It is curious that the next law in the Code also involves almost insuperable difficulties. It is addressed *ad Silvanum comitem et magistrum militum*, and is dated *vi Kal. Jun. Sirmio Limenio et Catullino cos.* (27 May 349). Silvanus the Frank deserted with the *schola* of the *armaturae* (of which he was presumably tribune) from Magnentius to Constantius during the battle of Mursa (28 Sept 351), and was rewarded by promotion to *magister militum* at an unusually early age (*Amm. Marc.* XV. v. 53, *Aur. Vict.*, xlii. 15): he rebelled on 11 Aug. 355, and was murdered on 7 Sept. The date of the law is therefore impossible, but no plausible emendation can be suggested, and Seeck was driven to the desperate resort of postulating that the editors of the Code found the law *sine consulibus* and inserted an arbitrarily chosen pair of consuls.

There is another extract from the same law addressed to Silvanus, with the same false date, at *Cod. Theod.* VII. i. 2. This is followed by a law with almost the same date (*iii Kal. Jun. Limenio et Catullino cos.*) addressed to Titianus PPO of the Gauls (Palanque, *Essai*, 25).

I venture to suggest a novel hypothesis to account for the two consecutive impossible dates of the laws addressed to Philip and to Silvanus. The editors of the Code divided some laws between different titles, and excised from all the preambles and concluding paragraphs. I suggest that they used a scissors and



paste technique for these operations. If so the dates of the laws would be temporarily detached from the extracts, and in the process of sorting the extracts under the titles might be wrongly reattached. The date of Philip's law (Arelate, 3 Nov. 353) would suit Silvanus' perfectly. The date of Silvanus' law (Sirmium, 27 May 349) would suit Titianus' perfectly. The original date of Philip's law was, I suspect, mislaid in the muddle, but may have been that now attached to Titianus' law (30 May 349, no place recorded).

If my hypothesis is correct there is yet another source of error, not postulated by Seeck, which may have caused laws in the Code to be misdated. It is unwise to build too much history on the dates of the Theodosian Code.

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A. H. M. JONES



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## The Social Structure of Athens in the Fourth Century

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# THE ECONOMIC HISTORY REVIEW

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## THE SOCIAL STRUCTURE OF ATHENS IN THE FOURTH CENTURY B.C.<sup>1</sup>

By A. H. M. JONES

THE political history of Athens and its literature, philosophy and art have not unnaturally received far more attention than its economic life. The achievements of the Athenian people in the former spheres were outstanding, and we possess an abundance of material for their study. In the economic field on the other hand the record of Athens is less striking, and the evidence is very scrappy and incomplete. Nevertheless, the subject perhaps deserves more intensive study than it has received. Inadequate though the evidence is for Athens it is far richer than for any other ancient city, and if the economic history of the ancient world is a feasible subject of study, it should start with the economic history of Athens. And for a full understanding of the achievements of the Athenian people in other spheres some knowledge of the material background is desirable if not essential. It adds something to our appreciation of Attic drama to know how the audience for which it was written lived, even more to our appreciation of the Attic orators to know what kind of men attended the assembly and sat on the juries. To understand the political philosophy of Plato and Aristotle it is essential to know something of the society in which they lived. Above all it is impossible fully to understand and appreciate the great political achievement of Athens, the democracy, unless we know what kind of men were the citizens who debated and voted in the assembly and the council, administered the state as magistrates and decided legal and political issues as jurors in the popular courts. Ancient critics, Plato, Isocrates, and Aristotle, denounced the democracy as a tyranny of the poor over the rich. Modern critics have declared that the democracy was a fraud, and the citizens were a leisured minority living on the labour of slaves. It is of some moment to discover which, if either, of these views is true.

In what follows I have attempted a factual analysis of Athenian society in the fourth century B.C. I have tried to determine how many free persons, citizens or foreigners, lived in Attica; how many were rich, well-to-do or poor; what proportion lived on unearned incomes, or worked on the land, or were craftsmen

<sup>1</sup> In this paper I assume a number of points which I have argued at greater length in previous articles, 'The economic basis of Athenian democracy', *Past and Present*, 1 (1952), 13-31 (cited as EBAD); *The Athens of Demosthenes* (Cambridge, 1952) (cited as AD), and 'The Athenian democracy and its critics', *Cambridge Historical Journal* (1953), 1-26 (cited as ADC).

or labourers; how many slaves of various kinds—domestic servants, farm labourers, miners or craftsmen—Athenians and foreigners of various classes owned. I have perforce confined myself to the fourth century, and for the most part to the middle and later decades of that century, because it is only for that period that we possess even the rudimentary statistical information necessary for such an analysis, and also, thanks mainly to the private speeches of the orators, a relative abundance of intimate detail on some aspects of the Athenian economy.

The first question we have to ask is how many Athenian citizens there were: by this I mean how many adult males (from twenty upwards), and in all that follows I shall mean (unless I specify otherwise) adult males, because we do not know how many women and children there were. Demetrius of Phalerum (317–307 B.C.) took a census, in which 21,000 were counted.<sup>1</sup> An orator contemporary with Demosthenes says rather casually 20,000.<sup>2</sup> And when at the bidding of Antipater in 322 the constitution was altered, so that only owners of property assessed at 20 minae or more remained citizens, 9,000 were registered as citizens, and according to the text of Plutarch, 12,000 were disfranchised, according to that of Diodorus, 22,000. The first figure, which yields a grand total of 21,000, seems to me more likely.<sup>3</sup>

Besides citizens there were resident aliens or metics: we have only one figure—Demetrius of Phalerum's census gave 10,000.<sup>4</sup> There were, of course, also slaves owned by citizens and metics. For these we have two very extraordinary figures. According to Athenaeus (our sole source) 400,000 were counted at the census of Demetrius of Phalerum,<sup>5</sup> that is an average of thirteen per head for every citizen or metic, rich or poor. The Lexicon of Suidas<sup>6</sup> cites half a sentence from Hypereides, 'more than 150,000 from the silver mines and over the rest of the country', which probably comes from the speech which Hypereides delivered in defence of his proposal to free the slaves after Chaeronea. This yields an average of five slaves per free man. I would not discuss these fantastic figures, if some scholars did not still take them seriously. The best test is the amount of wheat the population of Athens consumed, because we know more or less how much was consumed, and how much the normal person ate, and even slaves had to eat.

An Athenian inscription, recording the first-fruits offered to Demeter in 329 B.C., shows, on the likely hypothesis that the first-fruits were 1/600 of barley and 1/1200 of wheat, that in that year the crop of Attica was 28,500 *medimni* of wheat and 340,350 *medimni* of barley.<sup>7</sup> It may have been a bad year; we have no means of telling. I have no doubt that Athenian farmers all underestimated their crops; so that the real crop was considerably larger. On the other hand we must deduct a proportion of the crop—about a sixth—for seed corn. The wheat was all used for human consumption, barley was not much

<sup>1</sup> Athenaeus, vi, 272 c.

<sup>2</sup> Dem[osthenes], xxv, 51.

<sup>3</sup> Plut[arch], *Phocion*, 28.7; Diod[orus], xviii, 18.5; cf. *AD* note 66. I do not understand A. W. Gomme's argument (*The Population of Athens in the Fifth and Fourth Centuries B.C.* (Oxford, 1933), p. 18) that 'it is the latter (Diodorus') figure only which is consistent with the statistics of the Lamian War discussed above'. Diodorus' figures for the Lamian War refer to hoplites only.

<sup>4</sup> Athenaeus, vi, 272 c.

<sup>5</sup> *Ibid.*

<sup>6</sup> 453 B, s.v. ἀποφύλαξις.

<sup>7</sup> *Inscriptions* [G[raecae], nr, 1672, discussed by Gomme, *op. cit.* pp. 28 ff. and A. Jardé, *Les céréales dans l'antiquité grecque* (Paris, 1925) pp. 36 ff.

eaten, and was reckoned at half the nutritive value;<sup>1</sup> much if not most of the barley must have been fed to animals.<sup>2</sup> However, these figures do not matter much, as they were chicken-feed in comparison with imports.

On these Demosthenes gives some apparently reliable figures in the *Leptines*, though he presents them in a rather curious way.<sup>3</sup> He first says that the wheat imported from the Pontus was about half the total imports; I do not know how he could have known this, and I do not think he did. He then says that the annual imports from the Pontus were about 400,000 *medimni*, and that this could be verified from the records by the *sitophylakes*, the magistrates charged with regulating the price of corn on the Athenian market. The *sitophylakes* are likely to have kept a record of the total imports of wheat, but it would seem to be unnecessary and difficult for them to have kept a record of the country of origin of each cargo. I infer that Demosthenes looked up the figure of the imports, and found it to be 800,000 *medimni*, and on the quite unverified assertion that half came from the Pontus, told the jury that 400,000 came from the Pontus—which was what he wanted to prove. A total annual import of 800,000 *medimni* seems to be a genuine figure, in which case the total available for consumption was, say, 830,000 *medimni* of wheat (allowing for a considerable underestimate of the home crop in the Eleusis inscription), and such home-grown barley as was not fed to animals.

Now a man was generally reckoned to eat  $7\frac{1}{2}$  and a woman or child about 5 *medimni* p.a.<sup>4</sup> 31,000 adult male citizens and metics would at this rate have eaten 232,000 *medimni* p.a. We do not, as I have said, know the average size of an Athenian family, but certain vital statistics which I shall come to later suggest that the population had a high birth-rate and a high death-rate, and that children would be, by modern British standards, a large element in the population. If therefore we assume that to every man there were three women and children (as in modern England) we shall be underestimating. 93,000 women and children (at three each to 31,000 adult males) each eating 5 *medimni* of wheat a year would consume 465,000 *medimni* p.a. The free population ought thus to have consumed a minimum of about 700,000 *medimni* p.a. out of a total of 830,000.

There was therefore a maximum of 130,000 *medimni* of wheat, plus an unknown quantity of barley, to feed slaves. We do not know how many of the slaves were women—most domestic servants were—and how many men—miners, agricultural labourers, craftsmen. Assuming the proportion was 50:50, and the average consumption of wheat by a slave therefore about 6 *medimni*, the slave population, male and female, was at a maximum about 20,000, as against approximately 62,000 free adults, male and female, or 124,000 free persons, including children.

All these figures have a very large margin of error, but are, I believe, of the right order of magnitude. They are at any rate of the same order of magnitude as two reputable figures that we possess for the slave population of Athens. Thucydides says that in the Decelian war 20,000 slaves, mainly industrial, escaped;<sup>5</sup> but in 413 Athens was a much richer place than in the fourth century, and the free population much larger. Xenophon in his *Vectigalia* states that, if

<sup>1</sup> Jardé, *op. cit.* pp. 123-4, 130-1.

<sup>2</sup> In the absence of any census of animals certainty is impossible, but on Jardé's very conservative estimates (*op. cit.* pp. 124-7) more than the whole crop would be required for animal feed.

<sup>3</sup> Dem. xx, 31-2.

Jardé, *op. cit.* pp. 128 ff.

<sup>5</sup> Thuc[ydides], vii, 27.5; cf. EBAD, note 98.

fully exploited, the Laurium mines could have provided employment for more than 10,000 slaves, and in confirmation of this statement declares that those, if any, who remembered what the slave tax used to bring in before the Decelean war (sixty years ago), would bear him out.<sup>1</sup> He clearly implies that in his own day the number of miners was very much smaller.

To return to the citizens: we are informed, as I have said before, that in 322 there were 12,000 citizens who owned less than 20 minae or 2,000 drachmae. There is reason to believe that these citizens were the Solonian class of *thetes*, who were not liable to military service as hoplites, but had to serve when occasion demanded as rowers in the fleet.<sup>2</sup> There is only one check on this figure of 12,000, that in 351 B.C. the assembly, presumably guided by the generals, resolved to commission forty triremes, to man which 8,000 men would be required, and for this purpose resolved to call up the age classes from twenty to forty-five.<sup>3</sup> Allowing for the probable age distribution of the population, to which I shall allude later, this would leave a fair margin.

Twenty minae is difficult to express in modern terms. According to the one contemporary figure we possess for the price of land, it would correspond to 5-6 acres of land, perhaps a holding of 5 acres with house and stock.<sup>4</sup> The 12,000 *thetes* owned less than this, but there is one fact which suggests that a large number of citizens owned land in minimal quantities. After the restoration of the democracy in 403 it was proposed that only Athenians holding land should be citizens, and fragments of a speech against this proposal survive. Dionysius of Halicarnassus, who had read the whole speech, says that the orator asserted that 5000 persons would have been disfranchised under the proposal:<sup>5</sup> and he had every reason to overestimate the number. Conditions had no doubt changed since 403, but I know of no evidence which would disprove that about half the 12,000 *thetes* were landowners on a very small scale. This would be the natural result of the Athenian law of inheritance, whereby sons inherited equally, so that peasant holdings were more and more subdivided. Brothers often held their deceased father's holding in common. Many Athenian *thetes* may have earned money seasonally at Athens, and spent part of the year on the family farm.<sup>6</sup>

But some 5,000 Athenians owned no vestige of land. Some of them may have been quite comfortably off. Twenty minae was, according to Demosthenes, the equivalent of about six or seven skilled industrial slaves.<sup>7</sup> At the upper limit of the thetic class a man might own a house, incorporating a workshop, and say five skilled slaves. Below him were craftsmen who owned four, three, two or one slave, or who worked alone, assisted by their children. At the bottom of the scale were, as today, casual labourers (*μισθωτοί*), who in the latter part of the fourth century, as the Eleusis accounts show, could earn 1½ drachmae a day when in work.<sup>8</sup>

<sup>1</sup> Xen[ophon], *Vect[igalia]*, IV, 25.

<sup>2</sup> *AD*, note 49.

<sup>4</sup> Lysias, XIX, 29, 42; cf. *AD*, note 35.

<sup>6</sup> Rather similar conditions prevail in some countries today. If I may quote from personal experience, my domestic servant Abdu in Cairo owned (jointly with a brother, I believe) a very small holding including some shares in some date palms in Abu Simbel, where he kept his wife and children. Abdu earned most of his income in wages in Cairo, but spent a third of the year at home.

<sup>7</sup> Dem. XXVII, 9, reckons his knife-makers as worth 5 or 6 or at a minimum 3 minae.

<sup>8</sup> Isaeus, V, 39 and Isocrates, XIV, 48, speak of *μισθωτοί* or those who go *ἐπὶ θήρεων* as being the lowest of the low. For wages see *IG*, II<sup>2</sup>, 1672, lines 28-30, 32-4, 45-6, 60-2.

<sup>3</sup> Dem. III, 4.

<sup>5</sup> Lysias, XXXIV, *hypothesis*.

Did many *thetes* live on state pay? There was the council of 500, on which a citizen could serve two years in his lifetime, receiving 5 obols (about half a labourer's rate) per day: on the evidence only persons of independent means could afford to serve on the council. There were about 350 magistrates, paid on slightly varying but similar scales; here again it is probable, though unproved, that only the well-to-do could afford to serve. Finally, there was a register of 6,000 persons, from whom the jurors were selected on court days. Those who actually served on a jury received 3 obols for the day's work.<sup>1</sup> Now this was what the Athenian people, humane but not overgenerous employers, allocated as their daily ration allowances to low-grade public slaves—labourers at the Eleusinium; these slaves received free lodging and clothes in addition.<sup>2</sup> In other words an Athenian juror could buy himself enough food to eat on the day that he sat in court, and no more. The out-of-work may have earned an odd day's keep in this way; but once again the tone of the speeches delivered to Athenian juries suggests that most of the jurors were men of some substance.<sup>3</sup> All Athenian citizens could, of course, earn 1 drachma by attending the assembly on thirty days in the year, and on ten more 1½ drachmae (a labourer's daily wage).<sup>4</sup> They could also draw 2 obols as *theoricon* on probably about six public holidays in the year.<sup>5</sup>

My conclusion, which is not very surprising, but does not accord with some popular misconceptions, is that out of a total population of 21,000 citizens, about 12,000 say, 60 per cent, earned their living by working on very small holdings of 5 acres downwards, or as skilled craftsmen or shopkeepers, with from five slave assistants downwards, or as casual labourers.

We may now turn to the 9,000 persons (say 40 per cent of the population) who owned over 20 minae, and were liable, if between the ages of twenty and sixty, to serve as hoplites (the 1000 richest as cavalry). This figure of 9,000, I would remind you, is attested for the year 322. Curiously enough 'the Five Thousand' in 411 B.C., when interpreted as meaning those who provided their own suits of arms, turned out to be 9,000 in number.<sup>6</sup> It may be a coincidence that there were 9,000 hoplites in 411 and again in 322, but it looks as if the general distribution of wealth was fairly stable throughout the fourth century. The few figures we possess for armies put into the field by Athens at intervals throughout the fourth century do not disagree, that is they are comfortably under 9,000,<sup>7</sup> and in the Lamian war in 323, the figures recorded by Diodorus, which yield 7,850 for the twenty to forty age groups,<sup>8</sup> are according to my calculations compatible with a grand total of 9,000 citizens of hoplite census of all ages, on the assumption—which we know from Xenophon to be true—that metics of the appropriate property qualification and age groups had to serve.<sup>9</sup>

This depends on the age distribution of the population, for which we have slight but sure evidence from the inscriptions. Three inscriptions show that round about 330 B.C. an ephebe class, i.e. the young men of hoplite census aged

<sup>1</sup> For details on state pay see EBAD,<sup>1</sup> notes 4-14; for the social standing of *βουλευται* ADC, note 39.

<sup>2</sup> *IG*, II<sup>2</sup>, 1672, lines 4-5, 42-3, 117-18, 141-2 (rations), 102-5, 190, 230 (clothes and shoes).

<sup>3</sup> *AD*, pp. 21-3.

<sup>4</sup> Arist[otle], *'Aθ[ηναίων] Πολ[ιτεία]* 62. 2.

<sup>5</sup> *AD*, pp. 16-18.

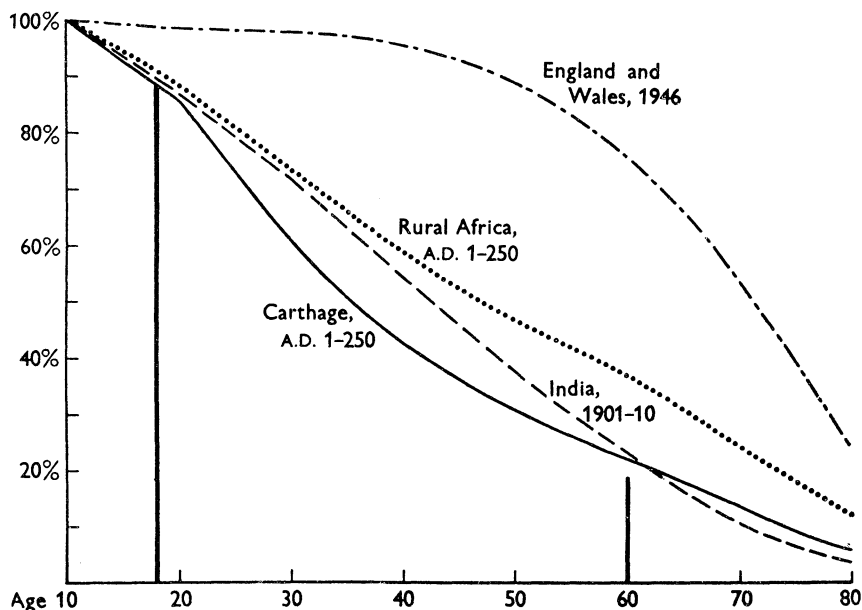
<sup>6</sup> Lysias, xx, 13; cf. Thuc. viii, 97.1.

<sup>7</sup> EBAD, note 53.

<sup>8</sup> Diod. xviii, 10.2, 11.3, gives 5,000 hoplites and 500 cavalry from seven out of the ten tribes.

<sup>9</sup> Xen. *Vect.* ii. 2-5, is explicit that metics normally served on expeditions and were not reserved as they were in 431 (Thuc. ii, 13.7) for garrison duty. Diodorus (*loc. cit.*) distinguishes *πολιτικοί* from *μισθοφόροι* in the Athenian forces in the Lamian War; metics would clearly fall in the former category.

eighteen or nineteen, numbered about 500.<sup>1</sup> Another inscription shows that in 325/4 B.C. the arbitrators, that is citizens of hoplite class aged sixty, numbered exactly 103.<sup>2</sup> These are startling figures, if compared with the census records of modern England, but Mr A. R. Burn has recently demonstrated that the vital statistics of Roman Africa and Roman Carthage and sundry other areas under the Principate were not analogous to modern English figures, but to those of India at the beginning of this century.<sup>3</sup> There is no reason to believe that conditions in the fourth century B.C. in Athens and Attica were strikingly better than those in Carthage and Africa under the Principate, and in point of fact Mr Burn's graphs, if applied to recorded Athenian figures, fit curiously well.<sup>4</sup>



These graphs illustrate the percentages of males alive at the age of ten who reached successive ages up to eighty in Carthage (A.D. 1-250), rural Africa (A.D. 1-250), India (1901-10) and England and Wales (1946). The vertical lines show the proportion of ephebes (18) to arbitrators (60), in Athens in the fourth century B.C.

The main conclusion from his statistics, applied to Athenian figures, is that the Athenians suffered a uniformly high death-rate from the age of twenty to sixty, so that of 500 young men of twenty not many more than 100 survived to be sixty forty years later. Having reached about sixty a man was, it appears, so tough that he might easily live another ten or fifteen years. There are no ancient statistics of the child death-rate, but it was probably at least as high as that of adults. The population would therefore have been very young, with a high percentage of children.

<sup>1</sup> *IG*, II<sup>2</sup>, 1156, gives 43-5 ephebes for Cecropis in 334-3; *Hesperia*, Suppl. viii, 273, gives 53-5 for Oeneis c. 330, *Ephemeris Archaeologike*, 1918, 73 gives 63 for Leontis in 327-6. There is also a later figure (*IG*, II<sup>2</sup>, 478) of about 33 ephebes for Erechtheis in 305-4, which must be multiplied by twelve, as there were by then twelve tribes. See Gomme, *op. cit.* pp. 67-70 for these figures.

<sup>2</sup> *IG*, II<sup>2</sup>, 1926. Mr D. M. Lewis informs me that another list of arbitrators can be partially reconstructed by combining *IG*, II<sup>2</sup>, 1924 and 2409. This gives not less than 54 names for the first five tribes.

<sup>3</sup> *Past and Present*, IV (1953), 1-31.

<sup>4</sup> See diagram.



The line dividing hoplites from *thetes* was of course an arbitrary one, and there must have been many hoplites just over the line, who were relatively poor men. Demosthenes in the *Meidias* twice apologizes for introducing to the jury a hoplite, Strato of Phalerum, who had served on all the expeditions for which his age group had been called up, and had finally been arbitrator—‘a poor man no doubt, but not a knave’.<sup>1</sup> Mantitheus, when his deme assembled for the muster, found that many of his poorer fellow hoplites could not even raise their journey money, and organized a subscription to provide them with 30 drachmae each.<sup>2</sup>

Here again we have some statistical data to guide us. The citizens liable to the *eisphora*, the war tax on property, were in 378/7 B.C. organized in one hundred groups or symmories.<sup>3</sup> In 357–6 the symmory system was applied to the trierarchy, the duty of maintaining a warship for one year, and the 1,200 persons liable to serve were grouped in twenty symmories.<sup>4</sup> The business of the *eisphora* and of the trierarchy symmories was similar—to collect money from the members—and it is a plausible hypothesis that it was decided to group the 1,200 potential trierarchs in symmories of sixty persons each, because sixty had been found a convenient number in the *eisphora* symmories. If so, there will have been about 6,000 persons liable to the *eisphora*. There is evidence that 25 minae was a standard unit of assessment for the *eisphora*,<sup>5</sup> and it has been inferred that citizens who owned property assessed at less than this sum were exempt from *eisphora*. If so, an interesting conclusion emerges, that there were 3,000 citizens who owned between 20 and 25 minae—a farm with house and stock of from 5 to 6 acres.

We now come to the 6,000 odd citizens, assessed at 25 minae upwards, who paid *eisphora*. We have the evidence—for what it is worth—of Demosthenes, that many of these were relatively poor. Castigating the harshness of Androtion and Timocrates when collecting the arrears of *eisphora*, he invokes the sympathy of the jury for their victims, ‘farmers who pinch and scrape, but who owing to the cost of bringing up their children, and domestic expenses and other public demands, have fallen into arrears of *eisphora*’.<sup>6</sup> He depicts Androtion and Timocrates ‘removing doors, and seizing blankets, and distraining on a servant girl, if any of them employed one’.<sup>7</sup> If Demosthenes is speaking the truth, some of the 6,000 *eisphora* payers could not even afford to buy a single slave girl to help in the house.

There is statistical evidence which corroborates Demosthenes. According to Polybius the total assessment of Attica was 5,750 talents, according to Philochorus and Demosthenes 6,000 talents: for convenience’ sake I will adopt the latter figure. I have argued elsewhere what ‘the total assessment’ or ‘the assessment of the country’ means, and I shall only repeat my conclusion that theoretically it represented the gross total value of the property, in all forms, whether land, houses, personal effects, slaves, cash or investments, owned by the 6,000 odd persons who were assessed above 25 minae and paid *eisphora*.<sup>8</sup> Some economic historians have thought the figure unduly small, but it must, I think, be accepted for what it purports to be. It is likely to be an underestimate, for to judge by many allusions in the orators, it was the exception rather than the rule that an Athenian taxpayer declared the whole of his property. Land and

<sup>1</sup> Dem. xxi, 83, 95.

<sup>2</sup> *AD*, note 24.

<sup>3</sup> Dem. xxvii, 7; xxviii, 4; cf. xxix, 59

<sup>7</sup> Dem. xxiv, 197.

<sup>2</sup> Lysias, xvi, 14.

<sup>4</sup> Dem. xiv, 16–17.

<sup>6</sup> Dem. xxi, 65 (= xxiv, 172).

<sup>8</sup> *AD*, pp. 2–4.

houses were however difficult to conceal, and these were probably the main items. Slaves might be underestimated both in numbers and value. Cash and loans could be concealed altogether. But there were sycophants, and one of the reasons for the reign of terror which they are alleged to have exercised over the wealthy may well have been that most wealthy men knew that their *eisphora* assessments would not bear investigation.

Now if 6,000 persons were assessed at 6,000 talents, their average property would be one talent. But, as we shall see, there were among the Three Hundred, who were responsible for the collection of the *eisphora*, men who owned upwards of 15 talents, and among the 1,200 on the trierarchic register quite a number who owned about 5 talents. It must follow that in the lower half or two-thirds of the 6,000 the average fortune must have been well below one talent; a large group must have owned between 25 and 30 minae (half a talent) each, and these are probably the poor farmers whom Demosthenes describes.

Now we come to the Athenian upper class, which roughly corresponded with the 1,200 persons on the trierarchic register: there was no property qualification for trierarchic service, and the list was supposed to include the 1,200 richest Athenians. We know a great deal about many individuals in this class, because in their mutual litigation about inheritances, trierarchies, liturgies, dowries etc., they could afford to employ eminent speech writers like Lysias, Isaeus and Demosthenes. And though many of the 'facts' presented to the jury were no doubt false, they must have been plausible, and therefore typical.

Isaeus in one of his speeches states that Dicaeogenes received an inheritance which brought in 80 minae a year as rent, but that he was never trierarch, though others served who owned less property (capital), than he received in rent (income).<sup>1</sup> Isaeus implies that a man might be a trierarch if he owned less than  $1\frac{1}{3}$  talents, but one wonders whether if pressed he could have cited examples. In another speech Isaeus speaks of a '5 talent trierarchic fortune' as something worth having.<sup>2</sup> Five talents must have been well above the average trierarchic estate, for if it had been the average, the 1,200 men on the trierarchic register would between them have owned  $1,200 \times 5 = 6,000$  talents, 'the whole assessment of Attica', leaving nothing at all for the other 4,800 *eisphora* payers. If the average trierarchic estate was only 3 talents, the total assessment of the 1,200 would have been 3,600 talents, leaving only 2,400 for the other *eisphora* payers, or only an average of  $\frac{1}{2}$  talent or 30 minae each. And an average of 3 talents means that the majority must have owned less than this amount, since a few are known to have owned considerably more. Isaeus' clients, who own fortunes ranging from  $5\frac{1}{2}$  or 5 talents, through 4,  $3\frac{1}{2}$ , 3,  $2\frac{1}{2}$ , down to  $1\frac{1}{2}$ , seem to be a fairly representative cross-section of the richer members of the trierarchic register.<sup>3</sup> Demosthenes, when he complains that other estates of one or two talents, by being leased during a minority, have been doubled or trebled, and so have become liable to liturgies, appears to be talking in a rather exaggerated vein, to impress upon the jury the magnitude of his own lost fortune.<sup>4</sup> Actually it would seem, an estate of 2 talents or less might well be on the trierarchic register.

There were of course richer men than this, who would be found among the Three Hundred, the leaders and second and third men (*ἡγεμόνες, δεύτεροι, τρίτοι*) of the 100 *eisphora* symmories. Here again no property qualification

<sup>1</sup> Isaeus, v, 35-6.

<sup>2</sup> Isaeus, vii, 32, 42

<sup>3</sup> Isaeus, xi, 42 ( $5\frac{1}{2}$  tal.); vii, 32, 42 (5 tal.); x, 23 (4 tal.+); xi, 44 (3 tal. 4000 dr.); vi, 33 (c.  $3\frac{1}{2}$  tal.); iii, 2 (3 tal.); xi, 41 ( $2\frac{1}{2}$  tal.); viii 35 (over 90 minae).

<sup>4</sup> Dem. xxvii, 64.

was required. The Three Hundred were the three hundred richest men in Athens; they were enrolled by the generals, against whose choice an appeal lay to the courts by the process of *antidosis*.<sup>1</sup> Demosthenes in the speeches against Aphobus implies that an assessment of 15 talents brought a man within the highest schedule of *eisphora* payers, and that only a very few very rich men like Timotheus, the son of Conon, came within this class. His guardians, he alleged, had assessed him in this class, and had made him leader (*ἡγεμὼν*) of his symmory 'on no small assessments, but on such large ones that I paid 500 drachmae on 25 minae'. Whatever these much disputed words mean, it is plain that Demosthenes implies that by no means all the hundred leaders of the symmories, much less the second and third members, who comprised the rest of the Three Hundred, had fortunes of 15 talents.<sup>2</sup>

In view of this it is wise to be sceptical about the very large figures quoted for some Athenian fortunes. Lysias in an interesting speech warns the jury against believing hearsay figures. The famous Nicias was reputed to possess 100 talents, but his son Niceratus only inherited 14. Ischomachus, the improving landlord who is the hero of Xenophon's *Oeconomicus*, was thought to be worth 70 talents, but cut up for only 20.<sup>3</sup> Some big fortunes were occasionally made. Conon did very well in the Great King's service and left 40 talents.<sup>4</sup> A lucky strike in the silver mines might yield fabulous wealth. The estate of Diphilus, a fortunate concessionaire of Laurium, when confiscated by Lycurgus for breaches of the mining law, brought 160 talents into the treasury.<sup>5</sup> A certain Epicrates, who was lucky enough to sink a productive shaft outside the scheduled area at Laurium, was stated by an informer to have made (with his partners, 'pretty well all the richest men in the city') 300 talents in three years from this private mine, on which he paid no lease or royalty:<sup>6</sup> he was reputed by hearsay to have been later worth 600 talents.<sup>7</sup> But the largest fortune of which we have any authentic information is that of the banker Pasion, who left a shield factory with a nett annual profit of one talent, 50 talents invested in loans, and land to the value of 20 talents—75 to 80 talents in all.<sup>8</sup>

Although fortunes such as these were quite exceptional, it does nevertheless seem to have been true that there was a heavy concentration of wealth at the extreme top of Athenian society, in a small group of approximately 300 families. Demosthenes at any rate thought so in the latter part of his career. He noted that under the existing trierarchic system the rich got off with a small expenditure, whereas citizens of moderate or small fortunes were being ruined. This was partly due to the unfair system (or lack of system), whereby everyone on the trierarchic register contributed equally, and not according to his means. But Demosthenes in his reform of the trierarchy did not merely make contributions vary according to property, with the result, as he says, that a rich man, who had hitherto got off with one-sixteenth of a trierarchy, was sometimes responsible for two entire ships.<sup>9</sup> He seems to have thrown the whole burden of the trierarchy on the Three Hundred, who were divided into 20 symmories of 15 members.<sup>10</sup> This implies that he thought that three-quarters of the men on the

<sup>1</sup> Dem. XLII, 1-5, 25; cf. *AD*, note 24.

<sup>2</sup> Lysias, XIX, 45 ff.      <sup>4</sup> Lysias, XIX, 40

<sup>6</sup> Hypereides, III, 35.

<sup>8</sup> Dem. XXXVI, 5 ff.

<sup>2</sup> Dem. XXVII, 7, 9; XXXVIII, 4; XXIX, 59.

<sup>5</sup> [Plut.] *Mor[alia]*, 843 d.

<sup>7</sup> Harpocration and Suidas, s.v. *Ἐπικράτης*.

<sup>9</sup> Dem. XVIII, 102-4; cf. XXI, 154-5.

<sup>10</sup> This is implied by Dem. XVIII, 103 (the opposition of the *ἡγεμῶνες*, *δεύτεροι* and *τρίτοι* to the law; cf. Deinarchus, in *Dem.* 43) and Aeschines, *contra Ctesiphontem*, 223 (the number of trierarchs reduced to 300), and confirmed by Harpocration, s.v. *συμμορία* (citing Hypereides for 300 trierarchs divided into symmories of 15).

trierarchic register were too poor to make, without undue hardship, a significant contribution to the fleet. Whereas he claims that the remaining quarter carried the burden easily, with the result that the efficiency of the navy was greatly improved.

Whence did the great families derive their wealth? The men whom I have already mentioned are not altogether typical. There were of course other Athenians besides Conon who made great fortunes as condottieri in the service of the Great King or his satraps, or of the rebel kings of Egypt, or the Thracian chieftains. There were other entrepreneurs besides Epicrates and Diphilus who made fortunes in the Laurium silver mines. Pasion is an exceptional case, for he was a slave by origin and a metic most of his life. He made his fortune in two ways typical of metics, by banking and by running a large-scale slave factory,<sup>1</sup> as Cephalus of Syracuse had done in an earlier generation:<sup>2</sup> he must have bought his land late in life when made a citizen. Demosthenes senior is also, to all appearances, rather peculiar in possessing a fortune consisting exclusively of two slave factories, and cash and investments, without a single acre of land.<sup>3</sup> One may suspect that he was a self-made man, for Demosthenes never alludes to his ancestors.

Timotheus, Conon's son, appears in Demosthenes' speeches as a considerable landlord, owning, besides an estate in the Plain, other properties which he could mortgage for 7 talents.<sup>4</sup> He possessed no great reserves of cash, for he was obliged to borrow from the banker Pasion, having already pledged his land. Pasion began late in life to move into land, and Apollodorus, his extravagant elder son, appears later as a considerable landlord, owning property in three demes,<sup>5</sup> but like Timotheus short of liquid assets. If these great fortunes had in the second generation been converted into land, it seems likely that the majority of the 300 families were in land. Xenophon's friend, Ischomachus, was certainly a diligent gentleman-farmer; and he left 20 talents.<sup>6</sup> Phaenippus, who ought to have been one of the Three Hundred by rights (according to a Demosthenic speech), owned one estate, which was by Athenian standards vast, 600 to 800 acres. Only about a quarter can have been arable, for he did not raise much more than 1,000 *medimni* of barley: there were also vineyards which produced over 800 *metretae* of wine; but most of the estate seems to have been scrub, for Phaenippus employed six donkeys carrying firewood, and reckoned to make 12 drachmae a day by sales.<sup>7</sup> These facts may serve to remind us that even the richest Athenians were relatively modest men.

In the speeches of Isaeus half a dozen middle class fortunes, ranging from just over 5 to just under 2 talents, are analysed in detail; Timarchus' estate, described by Aeschines, seems to fall into the same class. The pattern is very uniform. The main item is always a farm, or two small farms, sometimes with stock (that is, presumably worked by the owner), sometimes without stock (presumably let to a tenant). There is usually also house property, in Athens or in the demes; the urban property is sometimes a bath, or a brothel or a bar. Occasionally there is a little money invested, and sometimes a few industrial slaves: Euctemon had some craftsmen, Ciron some slaves who earned wages, Timarchus nine or ten leather workers who brought him in 2 obols a day each,

<sup>1</sup> Dem. xxxvi, 11.

<sup>2</sup> Lysias, xii, 19.

<sup>3</sup> Dem. xxvii, 9 ff.

<sup>4</sup> Dem. xlix, 11.

<sup>5</sup> Dem. I, 8.

<sup>6</sup> Xen. *Oeconomicus*, *passim*, esp. xx, 22-9; for his fortune Lysias, xix, 46.

<sup>7</sup> Dem. xlii, 5 (40 stades round), 7 (wood), 20 (barley and wine).

and two other craftsmen.<sup>1</sup> There were no doubt Athenians in this class whose fortunes were differently balanced, who were mainly in loans or slaves. But we do not hear much of them. Socrates, as reported by Xenophon, cited five Athenians who lived mainly on industrial slaves, but of them he only claims that one performed liturgies—the others merely lived in a comfortable style.<sup>2</sup> One may suspect that the owners of industrial slaves were in general rather humble people, mainly no doubt successful craftsmen.

The large slave owner like Nicias does not appear in the fourth century, even in the mines.<sup>3</sup> The Laurium mines after the Decelean war were but little exploited for two generations, as we learn from Xenophon's *Vectigalia* and the fragmentary accounts of the *poletai*.<sup>4</sup> We hear during this time of some Athenian citizens working in the mines with their own hands. Among the prospective hirers of his projected public slaves, Xenophon distinguishes 'those who are

<sup>1</sup> The following table sets out the facts:

| Reference                                   | Land (and stock)   | House property   | Industrial Slaves   | Money   |
|---|--|--|---|---|
| Isaeus, v, 22                               | 60 πλέθρα in the Plain   | 2 οικήδια and 1 βαλανεῖον  | —   | —   |
| Isaeus, vi, 33                              | ἄγρος at Athmonia (75 minae), goats, goatherd and two teams (26½ minae)  | οἰκία at Athens (mortgaged for 44 minae), βαλανεῖον in Serangium (30 minae). Also (ch. 19-20) a brothel in Peiraeus and a wine shop in Cerameicus. | δημοῦργοι   | —   |
| Isaeus, viii, 35                            | ἄγρος at Phlya (1 tal.)  | 2 houses at Athens (20 and 13 minae)   | ἀνδράποδα μισθοφοροῦντα (with 3 female slaves and furniture worth 13 minae) | —   |
| Isaeus, xi, 41                              | ἄγρος at Eleusis (2 tal.). 60 sheep, 100 goats, 1 horse  | —  | —   | —   |
| Isaeus, xi, 42-3                            | ἄγρος at Thria (2½ tal.). Sheep, stock and crops (49 minae)  | houses at Melite (30 minae) and Eleusis (5 minae)  | —   | loans (40 minae)<br>ἔρανοι (10 minae)<br>cash (9 minae) |
| Isaeus, xi, 44                              | χωρία at Oenoe and Prospalta (50 and 30 minae)   | house at Athens (20 minae)   | —   | —   |
| Aeschines, <i>contra Timarchum</i> , 97 ff. | ἐσχάρια at Sphettos, χωρίον at Alopecce (20 minae). His father had sold a χωρίον at Cephisia and an ἄγρος at Amphitropae (ch. 101) | house at Athens (20 minae). His father had sold two ἐργαστήρια in the mines (ch. 101).   | 9 or 10 σκυντοτόμοι, 1 ποικιλτής and a woman weaver                         | loans   |

<sup>2</sup> Xen. *Mem[orabilia]*, ii, vii, 3-6.

<sup>3</sup> Xen. *Vect.* iv, 14-15 has to go back to the fifth century for examples.

<sup>4</sup> Xen. *Vect.* iv, and *Hesperia*, 1950, 189 ff.; cf. Hopper, *British School at Athens, Annual*, xlviii, 200 ff.

themselves in the mines and are growing old', and 'others, who would not or could not work with their hands, but would gladly make their living as supervisors'.<sup>1</sup> A client of Demosthenes boasts; 'In earlier times I made a lot of money from the silver mines, working and toiling myself with my own hands.'<sup>2</sup> More often the Athenian who leased a mine worked it by slave labour; a high proportion of the recorded lessees are otherwise known as men of property. The numbers employed were not, however, necessarily large. We know of one lessee, Pantaenetus, who owned thirty slaves; these, with a workshop, were apparently his sole assets, for he raised money on this security to buy a concession.<sup>3</sup> The very wealthy mineowner, Epicrates, who is said to have been worth 600 talents, had 'pretty well all the richest men in the city' in partnership with him early in his career, presumably because he needed their aid to buy and maintain enough slaves to exploit his mine.<sup>4</sup>

I have depicted a society in which, except for a small group of relatively very rich men at the top, and a larger group of casual labourers at the bottom, wealth was evenly distributed, and the graduation from the affluent to the needy very gentle. I have also depicted a society in which the great majority, from rich landowners down to peasants working a tiny allotment, derived most of their wealth from the land. This latter point cannot be fully substantiated, but apart from the evidence which I have given above, it is favoured by a legal point. The ownership of land (and house property) was a jealously guarded privilege of citizens, very rarely granted to foreigners.<sup>5</sup> And there were a large number of foreigners permanently domiciled in Attica—according to the census of Demetrius of Phalerum nearly half as many as there were citizens—who were debarred from ownership of land and houses, and had to make their living from industry and commerce.

I do not of course suggest that there was an absolute dichotomy between the activities of citizens and metics. Among the metics enfranchised in 401 were a number of land workers (*γεωργοί*), not to speak of a gardener (*κηπουρός*); these were presumably tenant farmers or agricultural labourers.<sup>6</sup> On the other hand we know of one banker, Aristolochus, who was an Athenian—he is recorded to have owned land;<sup>7</sup> of the other bankers known to us a high proportion were certainly metics, mostly freedmen.<sup>8</sup> We also know of two Athenian brothers, Diodotus and Diogeiton, who were merchants: the former left a fortune unlike any other recorded for an Athenian—5 talents cash on deposit, and 7½ talents invested in nautical loans.<sup>9</sup> Then there is Andocides, a gentleman who went into trade during his exile,<sup>10</sup> and two or three obscurer figures.<sup>11</sup> The other merchants and sea captains whom we meet are, so far as we can trace

<sup>1</sup> Xen. *Vect.* iv, 22.

<sup>2</sup> Dem. xlii, 20.

<sup>3</sup> Dem. xxxvii, 4.

<sup>4</sup> Hypereides, iii, 36.

<sup>5</sup> This point is rightly emphasized by M. I. Finley, *Studies in Land and Credit in Ancient Athens 500–200 B.C.* (New Brunswick, 1951), pp. 74 ff.

<sup>6</sup> M. N. Tod, *Gr[æek] Hist[orical] Inscr[riptions]* (Oxford, 1948), ii, 100.

<sup>7</sup> Dem. xlv, 63; xxxvi, 50.

<sup>8</sup> Besides Pasion and Phormio, Demosthenes mentions Socrates, Satyrus and Timodemus as freedmen bankers (xxxvi, 28–9) and Socrates who bequeathed his widow to Timodemus cannot have been an Athenian. Eumathes (Isaeus *frag.* xii) and Epigenes and Conon (Deinarchus, i, 43) were metics. Nothing is known of Pylades (Dem. xxvii, 11), Heracleides (*ibid.* xxxiii, 6), Blepaeus (*ibid.* xl, 52) or Theocles (*ibid.* lmi, 9).

<sup>9</sup> Lysias, xxxii, 4, 6, 15, 25.

<sup>10</sup> Andocides, ii, 11.

<sup>11</sup> In Dem. lvi, 20 two brothers, Megacleides and Thrasyllus, of Eleusis, borrow for a voyage to Aec.

their origin, foreigners,<sup>1</sup> and so are nearly all those who financed them with nautical loans: one of the exceptions here is Demosthenes senior, who had 70 minae—about a twelfth of his fortune—invested in these rather speculative securities.<sup>2</sup> In industry metics do not seem to have had so decisive a superiority, but the two largest factories known both belonged to men of alien origin, one of over 100 hands to Cephalus, a Syracusan, and another, which yielded a nett annual profit of a talent, to Pasion, a freedman.<sup>3</sup>

The economic structure of Athenian society helps to explain why the democracy, by contrast with other contemporary democracies, was at once so conservative and so stable. No suggestion was ever put forward for the redistribution of the land (γῆς ἀναδασμός) or for the cancellation of debts (χρεῶν ἀποκοπή), which more revolutionary democracies conducted. This is readily understandable in a society where property, and particularly land, was so widely distributed. Nor did 'the liberation of the slaves with revolutionary intent' (δούλων ἀπελευθέρωσις ἐπὶ νεωτερισμῷ), the third of the revolutionary perils against which Philip and Alexander guaranteed the cities of Greece under the League of Corinth,<sup>4</sup> ever occur at Athens. At times of national emergency the assembly was willing to free the slaves. To help man the fleet which won the battle of Arginusae all slaves of military age were called up with the promise (which was honoured) of freedom.<sup>5</sup> After the defeat of Chaeronea, Hyperides proposed and carried a motion to free the slaves for the defence of Athens, but when the crisis passed over, it was quashed and its author—unsuccessfully—prosecuted.<sup>6</sup> It is understandable that a full assembly, in which relatively few would be slave-owners, might in a national emergency vote for the freeing of slaves; but normally respect for the rights of property prevailed.

The conservative tone of the Athenian democracy in its turn helps to account for its stability. In most contemporary states there was continuous class war, and counter-revolution alternated with revolution. In Athens from the establishment of the full democracy in 461 to its suppression by the Macedonian regent Antipater in 322 there were only two counter-revolutions, in 411 and 404; both were very short-lived, and the latter imposed by the victorious Spartan army and supported by a Spartan garrison. There was at all times, a small group of wealthy intellectuals who hated the democracy, but in normal circumstances they found no support among the middle class of hoplites, or even in the upper trierarchic class. In 411, when the prestige of the democracy was deeply shaken by the Sicilian disaster, they did rally the middle and upper classes, resentful of the continued levies of *eisphora* and trierarchies which the long war

<sup>1</sup> Lampis was a metic (Dem. xxxiv, 37, οἰκῶν Ἀθήνησι), Hegestratus a Massaliot (xxxii, 5, 8), Apaturius a Byzantine (xxxiii, 6), Artemon a Phaselite (xxv, 1-3, 15), Lycon a Heracliot (lii, 3) and his partner Cephisiades a metic (lii, 3, 9). Cf. *IG*, ii<sup>2</sup>, 360, 408.

<sup>2</sup> Dem. xxvii, 11. Other Athenian investors in bottomry are Diodotus (Lysias, xxxii, 6) and Androcles; but his partner Nausicrates is a Carystian (Dem. xxxv, 10). Foreign lenders include Theodore the Phoenician (xxxiv, 6) Lycon the Heracliot (lii, 20), and Chrysippus (as appears from xxxiv, 38, 50). Many of the lenders are themselves merchants or retired merchants (Lysias, xxxii, 4, 6; Dem. xxxiii, 4; xxxiv, 38; lii, 20).

<sup>3</sup> Besides Cephalus (Lysias, xii, 19) and Pasion (Dem. xxxvi, 11) another metic industrialist is Leocrates (Lycurgus, *contra Leocratem*, 23, 58). Athenians include Demosthenes' father (Dem. xxvii, 9 ff.), Isocrates' father (Plut. *Mor.* 836E), Comon (Dem. xlviii, 12), Timarchus, Euctemon and Ciron (see p. 151 n. 1), and the three men mentioned in *Xen. Mem.* ii, vii, 3-6. These are slave owners. Many humble Athenians worked as craftsmen themselves, as is shown by *Xen. Mem.* iii, vii, 6 and Aristophanes, *Plutus*, 510 ff.

<sup>4</sup> [Dem.] xvii, 15.

<sup>5</sup> *Xen. Hellenica*, i, vi, 24; cf. Aristophanes, *Ranae*, 190, 693.

<sup>6</sup> [Plut.] *Mor.* 849a; cf. Lycurgus, *contra Leocratem*, 41.

was demanding, to the programme of the Five Thousand, a widely based oligarchy. But this constitutional experiment, which Thucydides praised highly, had a short life. In 404 again, when the war was lost, the Thirty at first enjoyed the support of the upper and middle classes, but they rapidly alienated it by their violent and arbitrary conduct. The result was that the bulk of the hoplite class fought on the democratic side in the civil war which followed, and that their leaders played a prominent part in the restoration of the democracy. Not even now were there reprisals or confiscations, and henceforth the democracy was unchallenged. In Athenian eyes democracy stood for the rule of law and the protection of property, as was natural when so many citizens were owners of property, and this fact reconciled to it the wealthier classes.

With an economy such as I have described, it may well be asked how Athens maintained its balance of payments with the rest of the world. It is unfortunately impossible even to begin to calculate exports and imports in figures. One can only point out first that payments must have balanced strictly, since there was no international credit system, and transactions were on a cash basis; and secondly that the bill for imports must have been very heavy. Imported corn alone, at the rate of 800,000 *medimni* per annum, at 5 drachmae, the normal price,<sup>1</sup> would have cost about 650 talents. There were other foodstuffs imported on a large scale, such as salt fish. Then there was timber, essential for housing and above all for shipbuilding, and for the latter purpose pitch, hemp and flax as well. Iron and bronze had all to be imported, both for home use and as raw material for export industries, not to speak of luxury materials for these latter, like the ivory which Demosthenes senior used to ornament his beds. Finally, slaves were nearly all importeu.

On the other side there was one important agricultural export, olive oil: not much is heard of wine. Honey and figs, though noted for their quality, can hardly have been commercially significant items. Among industrial products Attic pottery is of course famous, and has perhaps, owing to its durability, unduly overshadowed other high grade artistic products, such as silver plate and furniture. Something must be allowed for invisible exports—such as the profits of nautical loans paid in Athens, and the expenditure of visitors, commercial and others, in the city. But much of the bill was paid in cash, in drachmae minted from the Laurium silver, as is amply attested by the vast quantities of Athenian drachmae found in Thrace, the Bosphorus, Asia Minor, Syria and Egypt. During the first half of the fourth century, when the mines were not very active, this resource must have been less important, but in the *Vectigalia* Xenophon can still claim that Athens attracts merchants because they can obtain payment for their goods in sound coin.<sup>2</sup> From about 340 silver production rose sharply, and the export of drachmae must have been considerable.

We today, wishing to sell our exports and to buy necessary imports of foodstuffs and raw materials, are acutely anxious about the sale of our exports, but have no worries about our imports, provided we can pay for them. The Athenians, in a similar position, were apparently unconscious of any export problem, but were greatly exercised by the danger of insufficient imports, particularly of corn. There were laws imposing drastic penalties on anyone resident at Athens, citizen or metic, who imported corn to any place save the Athenian market, and on anyone who lent money to finance a voyage which did not terminate at Athens.<sup>3</sup> Litigants take great pains to clear themselves of the

<sup>1</sup> Dem. xxxiv, 39.

<sup>2</sup> Xen. *Vect.* iii, 2.

<sup>3</sup> Dem. xxxiv, 37; xxxv, 50-1; cf. lvi, 5-6, 11, 13.



imputation of having even intended to evade these laws, but reveal without any compunction to the jury that they have lent money to a shipper for a return voyage to Bosporus, on the express condition that he sail in ballast from the Peiraeus, and load wine at Mende or Scione for sale at Bosporus.<sup>1</sup> The kings of Bosporus are praised for expediting the export of corn from their dominions to Athens, and particularly for waiving the export tax;<sup>2</sup> it never apparently occurred to the Athenians that it would profit them if the import taxes at Bosporus on Athenian goods were abolished. Xenophon declares that merchants are popular everywhere, because 'all cities welcome as friends those who import things'.<sup>3</sup>

This attitude is partly explained by simple ignorance of economics. Every Athenian knew the unpleasant consequences when insufficient corn was shipped into the Peiraeus, and they took such obvious legal and administrative measures as lay within their power to force shippers to bring corn there. They were also aware of the periodic gluts of various Athenian products, but they attributed them to over-production, not to lack of markets. As Xenophon remarks, when there are a large number of bronze or iron workers, the price of their products goes down, and they are ruined: similarly when there is a large quantity of corn or wine grown, the price of crops goes down, agriculture becomes unprofitable, and many leave the land.<sup>4</sup>

The blindness of the Athenians may have been increased by the fact that a considerable proportion of imports was paid for in coin, minted from the silver mined in Attica, so that the sight of empty ships leaving the Peiraeus caused no alarm.<sup>5</sup> Secondly while all Athenians were consumers, and most of them producers of agricultural or industrial goods, very few were merchants. But whatever the reasons, it is a fact that the Athenians were blind to the importance of markets for their exports.

Some modern historians have read into Athenian foreign policy commercial motives, and attributed, for instance, the hostility of Athens and Corinth to a rivalry for markets. Such a view is, I would submit, quite unhistorical. It is possible to detect in Athenian foreign policy a desire to control by war or diplomacy the principal sources from which the city drew its supplies of corn and of timber, and the sea lanes along which these supplies had to travel. To such motives may be attributed Athens' interventions in Egypt and later in Sicily, and her sustained interest in the northern shores of the Pontus, her main source of corn, and in the Hellespont and the Bosporus, through which the Pontic cornships had to sail. Her anxiety for her supply of timber accounts for her persistent attempts to recover Amphipolis, whose loss in 424 caused alarm 'because the city was useful to them both in the despatch of shipbuilding timber and in its money revenue'.<sup>6</sup> Even where the ancient sources, which often unduly neglect economic motives, are silent, it is not unreasonable from what we know of the Athenian people to postulate that they may have been influenced by anxiety for their essential imports. But that they were concerned about where merchants sold the goods that they bought from them there is no evidence at all.

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<sup>1</sup> Dem. xxxv, 10.

<sup>2</sup> Xen. *Hipparchicus*, iv, 7.

<sup>3</sup> Xen. *Vect.* iii, 2.

<sup>4</sup> Dem. xxxiv, 36; cf. xx, 29 ff. and Tod, *Gr. Hist. Inscr.* ii, 167.

<sup>5</sup> Xen. *Vect.* iv, 6.

<sup>6</sup> Thuc. iv, 108, 1.



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## The Elections under Augustus

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## THE ELECTIONS UNDER AUGUSTUS \*

By A. H. M. JONES

The *Tabula Hebana* already has a bibliography more than six pages long, in which figure the names of most of the eminent scholars of Europe.<sup>1</sup> It may seem, therefore, both superfluous and presumptuous to add to it. But very few of the studies hitherto produced have attempted to deal with the political implications of the document, and of these few only one, Professor Tibiletti's monograph, *Principe e magistrati repubblicani*, has tackled them seriously. As will appear, I owe much to Professor Tibiletti's acute analysis of the procedure laid down in the *Tabula*, but as I differ profoundly on several points from his interpretation of the political background, I have thought it worth while to propound my views.

It is almost accepted doctrine that Augustus throughout his reign systematically gerrymandered the elections, those at any rate for the higher offices, especially the consulate. What I may call the prosopographical school of historians, in particular, assume that the consuls were *de facto* the nominees of Augustus, and regard the consular *fasti* as a barometer of his personal policy or that of the narrow group which controlled affairs. I would challenge this view. The liberty of the elections was, I would agree, to some extent limited by the predominant influence of the Princeps, but the evidence, I maintain, strongly suggests that genuine electoral contests continued, not only for the lower offices, but for the praetorship and the consulate, with which alone the *Tabula Hebana* is concerned.

Competition for entry to the Senate was no doubt somewhat reduced by the formal enactment of a property qualification, which was at least once raised. The exact figures are variously given in our authorities. According to Suetonius<sup>2</sup> the qualification was at first 800,000, later 1,200,000 HS. Dio<sup>3</sup> says that in 18 B.C. Augustus laid down the figure of 400,000 HS, the equestrian census, in fact, which must always have been in practice required, and that this was raised before 13 B.C. to 1,000,000 HS.<sup>4</sup> He later, however, mentions that Augustus in A.D. 4 made up the census of certain impoverished senators to 1,200,000 HS,<sup>5</sup> Suetonius' higher figure. Tacitus,<sup>6</sup> on the other hand, speaks of grants of 1,000,000 HS in similar cases under Tiberius. Whatever the figure it was hardly likely to prove an impediment to the kind of new men whom Augustus favoured, 'omnem florem ubique coloniarum ac municipiorum, bonorum scilicet virorum et locupletium.'<sup>7</sup> The census qualification was useful rather in eliminating impoverished and disreputable scions of noble families; Augustus could and did maintain the status of families of which he approved by private benefactions.

In one passage, it is true, Dio<sup>8</sup> does speak of the census qualification as being a deterrent, but this passage is strangely confused. In 13 B.C. there was according to him a *lectio senatus*. Owing to the increase of the senatorial census from 400,000 to 1,000,000 HS, 'no one was any longer to be found willing to be a senator, but even some sons and descendants of senators, some genuinely poor, others humbled by their ancestors' misfortunes, not only did not claim the rank of senator, but resigned when already enrolled.' There follows a section on the measures taken to fill the vigintivirate and tribunate of the Plebs. And then, Dio goes on, Augustus 'himself examined them all. He did not trouble those who were over thirty-five, but those who were under that age and had the property qualification he forced to be senators unless they had some bodily defect'. The first part of the narrative may be accepted as a rather exaggerated statement of the effect of raising the senatorial census; the emphasis is, it may be noted, on impoverished members of old families. In the second part Dio seems to have blundered. As Dio records four *lectiones*—two with circumstantial detail in 28 and 18 B.C., and two briefly in 13 and 11 B.C.—

\* This paper was delivered to the Roman Society at the Annual General Meeting on 8th June, 1954.

<sup>1</sup> G. Tibiletti, *Principe e magistrati repubblicani* (Rome, 1953), 283-9.

<sup>2</sup> *Div. Aug.* 41, 1.

<sup>3</sup> LIV, 17.

<sup>4</sup> LIV, 26; cf. 30.

<sup>5</sup> LIV, 13.

<sup>6</sup> *Ann.* 1, 75; II, 37.

<sup>7</sup> *ILS* 212, col. II, 3 ff.

<sup>8</sup> LIV, 26.

conducted by Augustus himself, besides that of A.D. 4, which was carried out by a committee of three, whereas Augustus declares 'senatum ter legi', one of Dio's *lectiones* must be eliminated.<sup>8a</sup> I suggest that this *lectio* of 13 B.C. is the one to go, for the mention of an age limit of thirty-five and the acceptance of a physical defect as a valid excuse strongly suggest that Augustus was conducting a *recognitio equitum*, not a *lectio senatus*. If this passage refers to compulsory enrolment of qualified persons in the *turmae equitum*, there is no evidence that pressure was ever required to fill the Senate.

It is usually stated that aspirants to the Senate, if not sons of senators, had to obtain the *latus clavus* from the emperor before they could stand for the quaestorship. This is certainly true for the Flavian period, and, if we accept a scandalous story told by Suetonius<sup>9</sup> of Vespasian, for Nero's reign. But it is very doubtful if any such rule existed under Augustus. Suetonius<sup>10</sup> tells us that Augustus allowed senators' sons to assume the *latus clavus* and attend sessions of the Senate—as spectators—as soon as they came of age. Dio<sup>11</sup> found in his authorities a statement that Gaius filled up the equestrian order, depleted under Tiberius, with provincials, and gave to some of them the *latus clavus* as an indication that they might stand for the quaestorship. He adds his own inference that hitherto presumably only sons of senators had been allowed to wear the *latus clavus*.

Contemporary evidence is difficult to reconcile with this picture. In the early years of the 'restored Republic' Ovid<sup>12</sup> and his brother, who were of equestrian family, assumed the *latus clavus* on coming of age—

liberior fratri sumpta mihique toga est  
induiturque humeris cum lato purpura clavo.

He then held one of the minor magistracies—his brother died prematurely—and

curia restabat : clavi mensura coacta est :  
maius erat nostris viribus illud onus.

It is perhaps possible that, if the *latus clavus* was a gift from Augustus, Ovid could have failed to record this fact, but it is extremely unlikely, and the passage implies that young men who aspired to the Senate normally advertised their ambition by assuming the *latus clavus*. An anecdote told of Augustus himself<sup>13</sup> suggests that, for senators' sons at any rate, this practice went back to the later Republic; for we are told that when the young Octavius came of man's estate, the tunic with the broad purple stripe which he then first put on slipped from his shoulders. I suggest that under the late Republic the custom had grown up whereby the sons of senators and others who aspired to the Senate put on the *latus clavus* with their *toga virilis*, and that Augustus confirmed this practice for senators' sons, but banned it for others. He thereby made it understood that it was the right—and perhaps the duty—of senators' sons to follow in their fathers' footsteps, as had, of course, been the normal practice in the past. But it can hardly be inferred that he thereby deprived *novi homines* of their right to stand for the quaestorship. It is, however, not unlikely that ambitious young men not of senatorial family may have applied to Augustus for special leave to wear the *latus clavus*, and so a custom may have grown up, which later hardened into a rule.<sup>14</sup>

Whatever the effect of the property qualification, and whether or no the *latus clavus* existed in its later sense, it may be asked whether in fact there was a sufficient number of candidates to make the elections a reality. Dio on various occasions records an insufficiency

<sup>8a</sup> *Res Gestae*, 8, 2 : Cassius Dio, LII, 42 (28 B.C.) ; LIV, 13–14 (18 B.C.) ; LIV, 26 (13 B.C.) ; 35 (11 B.C.) ; LV, 13 (A.D. 4). It is perhaps significant that according to Dio (LIV, 10 and 30) Augustus accepted a *cura morum* with *censoria potestas* in 19 and 12 B.C., the years preceding the *lectiones* of 18 and 11 B.C.

<sup>9</sup> *Vesp. Aug.* 3.

<sup>10</sup> *Div. Aug.* 38, 2.

<sup>11</sup> LIX, 9.

<sup>12</sup> *Tristia* IV, x, 29–37.

<sup>13</sup> *Suet. Div. Aug.* 94, 10.

<sup>14</sup> The *Thesaurus* yields few examples of *latus*

*clavus* in its technical sense, and these in Flavian or later authors (e.g. Tacitus, *Dial.* 7 ; Pliny, *Ep.* II, 9 ; VIII, 23). Usually—and always in Augustan authors—it means either the actual dress or senatorial rank. Seneca, *Ep.* 98, 13 : 'honores reppulit frater Sextius, qui ita natus ut rem publicam deberet capessere latum clavum divo Iulio dante non recepit,' looks at first sight like a formal grant in the technical sense under Caesar, and Seneca may have meant this. But he or his authority more probably meant 'senatorial rank' or 'a seat in the Senate'.

of candidates to fill certain offices. In 13 B.C. there was trouble over the vigintivirate,<sup>15</sup> and in 13 and 12 B.C. and again in A.D. 12 over the tribunate of the Plebs,<sup>16</sup> and in A.D. 5 over the aedileship.<sup>17</sup> Now these offices had not been necessary steps in the *cursus honorum* under the Sullan *Lex annalis*. By A.D. 23 the vigintivirate had become obligatory,<sup>18</sup> and in the later Principate either the tribunate of the Plebs or the aedileship had to be held by a plebeian between the quaestorship and the praetorship.<sup>19</sup> It is a reasonable inference that under Augustus these three offices were still, as in the late Republic, optional. That in these circumstances there should have been little competition for them under the 'restored Republic' is understandable. They were not a necessary step to the real prizes, the praetorship and above all the consulate, and they gave little opportunity under the new regime for their holders to win popularity. Tribunes of the Plebs could no longer endear themselves to the people by proposing attractive bills, the aediles had surrendered the conduct of the games, their main source of popularity, to the praetors as early as 22 B.C.,<sup>20</sup> and had by A.D. 5, when a shortage of candidates is first recorded, lost most of their other duties, including the control of the fire brigade—whereby Egnatius Rufus had made his name, and secured his praetorship, and aspired to the consulate in 19 B.C.<sup>21</sup>

There is no indication that there were not always enough candidates for the quaestorship. Dio<sup>22</sup> tells us that in 24 B.C. there were not enough quaestors for all the provinces, but this was presumably because too many of the twenty were occupied with other duties at home. There was certainly no shortage of candidates for the praetorship. The number of praetors was raised from eight in 27 B.C. to ten in 23 B.C.<sup>23</sup> and twelve in the last years of the reign;<sup>24</sup> the Senate pressed Tiberius to increase the number further.<sup>25</sup> In A.D. 11 there were sixteen candidates for the twelve places, and the struggle was so bitter that Augustus allowed them all to hold office.<sup>26</sup> There was naturally even greater pressure for the consulate. It is significant that it proved impossible to keep to the old rule, revived in 27 B.C., of having two consuls only; inconsistent though they were with 'prisca illa et antiqua reipublicae forma', suffect consuls became regular again from 5 B.C.<sup>27</sup>

That the Princeps exercised a certain influence over the elections no one, of course, can deny. As consul from 27 to 23 B.C. and, as I hold, from 19 B.C. in virtue of his *consulare imperium*,<sup>27a</sup> Augustus possessed, concurrently with his colleague in the earlier period, and with the consuls in the later, the right of *nominatio*, that is of receiving the *professiones* of candidates to the magistracies of the Roman people;<sup>28</sup> he presumably had similar rights with regard to the tribunate and aedileship of the Plebs in virtue of his *tribunicia potestas* from 23 B.C. This power of accepting *professiones* was sometimes held to imply the right of refusing them; but this negative power was, it would seem, rarely exercised, and the candidates and the assembly did not always accept the consul's ruling; when Sentius Saturninus in 19 B.C. forbade candidates whom he considered unworthy of the quaestorship to make their *professio*, they declared that they would stand none the less, and he had to threaten to use his *consularis vindicta* if they appeared on the Campus. Egnatius Rufus, a candidate for the consulship, also insisted on standing, and in his case Saturninus was reduced to swearing that he would not return him, even if he were elected by the votes of the people.<sup>29</sup> Augustus' outstanding *auctoritas* would no doubt have enabled him to exercise a more effective censorship on candidates, had he wished, but there is no evidence that he did so, still less that he used his power of *nominatio* to make the elections a mockery by accepting only so many *professiones* as there were places to fill.

<sup>15</sup> LIV, 26, cf. ILS 914-5.

<sup>16</sup> LIV, 26, 30; LVI, 27.

<sup>17</sup> LV, 24.

<sup>18</sup> Tac. Ann. III, 29.

<sup>19</sup> Mommsen, *Staatsrecht*<sup>3</sup>, I, 554-7. The only evidence is Cassius Dio, LII, 20 (in the speech of Maecenas), and the inscriptions, which show that most senators, other than patricians, did hold the aedileship or tribunate (a few very early ones hold both). Velleius, who is not backward in recording his offices, mentions nothing between his quaestorship and praetorship (II, 111, 124).

<sup>20</sup> id. LIV, 2.

<sup>21</sup> Vell. Pat. II, 91-2; Cassius Dio, LIII, 24. The fire brigades were taken from the aediles in 7 B.C. (Cassius Dio, LV, 1; cf. Suet. Div. Aug. 30, 1).

<sup>22</sup> LIII, 28.

<sup>23</sup> Vell. Pat. II, 89; Cassius Dio, LIII, 32.

<sup>24</sup> LVI, 25.

<sup>25</sup> Tac. Ann. I, 14.

<sup>26</sup> Cassius Dio, LVI, 25.

<sup>27</sup> See the *fasti* (Ehrenburg and Jones, *Documents*, pp. 32-43).

<sup>27a</sup> *JRS* xli, 1951, 112 ff.

<sup>28</sup> Tac. Ann. I, 14, 81.

<sup>29</sup> Vell. Pat. II, 92.

There remains the Princes' power of *commendatio*. This is first explicitly mentioned immediately after Augustus' death, when Tiberius confined himself to commending four candidates for the twelve praetorships—'moderante Tiberio ne plures quam quattuor candidatos commendaret sine repulsa et ambitu designandos'.<sup>30</sup> Later emperors are recorded to have exercised a similar right in respect of the quaestorship, aedileship, and tribunate of the Plebs<sup>31</sup>—under Augustus it would hardly have been required for the two latter offices, which it was difficult to fill at all. It was apparently only very exceptionally applied to the consulate: it is in fact only mentioned once in an inscription,<sup>32</sup> where the words 'per [commendation.] Ti. Caesaris [Augusti] ab senatu [cos. dest.]' depend on a sixteenth-century transcript.

Here again as with the *latus clavus* we probably have to deal with a custom hardening into a rule. According to Suetonius,<sup>33</sup> Augustus 'quoties magistratum comitiis interesset tribus cum candidatis suis circuibat supplicabatque more solenni'. He acted, in fact, as any Republican *suffragator* had always done. According to Dio,<sup>34</sup> he continued this practice until A.D. 8, when owing to his failing health, he abandoned a personal canvass, and instead posted a list of candidates whom he specially recommended to the Plebs and Populus. Candidates whom Augustus thus 'commended' to the Roman People, or to whom he gave or promised his *suffragatio*—this is the phrase used in the *Lex de imperio Vespasiani*<sup>35</sup>—were no doubt in fact pretty sure of being elected, but it is a little difficult to see how their return *sine repulsa* could have been formally guaranteed in an election where voting was by secret ballot. Yet by the end of the reign this was apparently the case. The wording of the *Lex de imperio Vespasiani* may give the clue, 'eorum comitis quibusque extra ordinem ratio habeatur.' A practice was established, I suggest, that at each *comitia* the presiding officer first read out the names of Caesar's candidates, and that a vote was taken on them *extra ordinem*; when they had been elected *nem. con.* the genuine election for the remaining candidates and places followed. It is noteworthy that no precedent is cited for this privilege in the *Lex de imperio Vespasiani*. This may be because the unlimited power of *commendatio* granted by this law was unprecedented, but it is, I think, more likely that no previous formal grant was on record because *commendatio* had hitherto been a matter of custom.

Be that as it may, it would seem that Augustus used his *auctoritas* as a *suffragator* sparingly, commending to the Populus and to the Plebs only a small number of candidates for the lower magistracies, and rarely if ever bringing his weight to bear on the consular elections. Occasionally, as the result of serious disorders, he intervened decisively. In 19 B.C. he appointed Quintus Lucretius to the vacant consulship,<sup>36</sup> and in A.D. 7 owing to prolonged disorders, he appointed all the magistrates.<sup>37</sup> But these were exceptional cases, noted as such by Dio. Dio also records that in 28 B.C. and often afterwards Augustus appointed the urban praetor.<sup>38</sup> This is so uncharacteristic of Augustus' general policy, and in particular of his policy at this date, when he was carrying through the restoration of the Republic, that one may legitimately ask whether Dio has not misunderstood his authority. May it not be that the *iurisdictio urbana*, instead of being allocated by lot, was assigned to one of the praetors designate 'extra sortem auctoritate Augusti ex senatus consulto'?

We may now trace what is recorded of the elections themselves. The regular procedure for the election of magistrates was certainly restored in 27 B.C.: as Suetonius<sup>39</sup> says, 'comitiorum quoque pristinum ius reduxit.' Dio<sup>40</sup> gives a fuller account, which is, however, to be taken rather as a description of electoral procedure under the early Principate generally. 'The Populus and the Plebs again met for the elections. Nothing, however, was done of which he did not approve. He himself chose and commended some of the

<sup>30</sup> *Ann.* I, 15.

<sup>31</sup> e.g. *ILS* 1043, 1051, 1056, 1068, 1086, etc. (quaestors), 1022, 1039, 1045, 1051, 1061-2, etc. (tribunes), 1096 (one aedile).

<sup>32</sup> *ILS* 944.

<sup>33</sup> *Div. Aug.* 56, 1.

<sup>34</sup> *LV*, 34.

<sup>35</sup> *ILS* 244.

<sup>36</sup> Cassius Dio, *LIV*, 10.

<sup>37</sup> *id.* *LV*, 34.

<sup>38</sup> *id.* *LIII*, 2.

<sup>39</sup> *Div. Aug.* 40, 2.

<sup>40</sup> *LIII*, 21.

future magistrates, others he left to the choice of the *Populus* in the old way, but took precautions against the election of unsuitable persons and against canvassing and bribery.'

It has been argued <sup>41</sup> that between 27 and 23 B.C., when Augustus himself was chosen consul each year with a reliable adherent as a colleague, the consular elections at any rate must have been carefully stage-managed. I see no reason to assume this. To take the most cynical view, it is likely that Augustus' propaganda—the war in defence of Italian traditions against the threatened oriental invasion, crowned by the victory at Actium, the clemency with which that victory was followed, and finally the restoration of the Republic—was during these years highly successful, and that the *comitia* were spontaneously eager to elect the great leader and the colleague of his choice. This view is confirmed by the events which followed his resignation of the consulate in 23 B.C., the repeated offer by the people of a dictatorship or a perpetual consulship,<sup>42</sup> and their insistence on electing him consul though he was not a candidate.<sup>43</sup> No one could claim that the elections were 'managed' between 23 and 19 B.C., when disorders were so violent that the State was twice left with only one consul; it was in these years that Egnatius Rufus, having made himself a popular hero as aedile, in defiance of constitutional rules pressed on not only to the praetorship but almost to the consulate.<sup>44</sup>

When Augustus returned in 19 B.C., order was restored, but in the following year he thought it necessary to pass the *Lex Iulia de ambitu*, which greatly increased the penalties for electoral corruption.<sup>45</sup> Candidates would hardly have wasted money on bribing the electorate, if the elections were *de facto* managed by Augustus. And bribery was still rife in the consular elections, which Augustus is supposed to have controlled absolutely, as late as 8 B.C., when Augustus demanded a deposit from all candidates, to be forfeited if they employed corrupt practices.<sup>46</sup> Suetonius <sup>47</sup> records that Augustus regularly tipped the members of his own two tribes, *Scaptia* and *Fabia*, 1,000 HS per head on election days, in the hope that they would feel less inclined to accept bribes from the candidates. Finally in A.D. 7 electoral riots were so violent that Augustus had to nominate all the magistrates himself.<sup>48</sup> But this brings us down to a date later than the *Lex Valeria Cornelia* of A.D. 5, whose existence the *Tabula Hebana* has revealed.

The *Tabula Hebana* is a piece of legislation by reference, and in some vital sections a very large proportion of the text is lost. It is therefore doubly difficult to reconstruct the *Lex Valeria Cornelia* to which it so often refers. I need not enter into details, since Professor Tibiletti has to my mind elucidated the major issues so far as the condition of the text allows. The law created ten centuries of C. and L. Caesar, in which senators and 'equites omnium decuriarum quae iudiciorum publicorum causa constitutae sunt erunt' voted 'de consulibus praetoribus destinandis'. Professor Tibiletti has, I think, demonstrated two points. First,<sup>49</sup> the ten centuries having all voted, the result of the vote of each century, that is, the two consuls and twelve praetors which it had 'destined', was announced in an order determined by lot. But as each candidate secured an absolute majority, that is six centuries, he was declared 'destined' by the ten centuries, so that finally a list of two consuls and twelve praetors 'destined' by the ten centuries of C. and L. Caesar was produced. This argument depends on the peculiar procedure of Roman elections, whereby the declaration of the votes ceased when a sufficient number of the candidates to fill the places had been elected by a bare majority of the voting units. The result of this procedure was that the order in which the votes of the units was declared might in marginal cases be decisive, and that order was therefore fixed by lot. If no consolidated result of the vote of the ten centuries was declared, it would have been natural to declare the separate votes of each century in their order of precedence—the first of C. Caesar, the second of C. Caesar, and so on, and then the first of L. Caesar down to the fifth of L. Caesar. The

<sup>41</sup> Syme, *The Roman Revolution*, 370–1.

<sup>42</sup> *Res Gestae*, 5; Cassius Dio LIV, 1 and 2.

<sup>43</sup> id. LIV, 6 and 10.

<sup>44</sup> Vell. Pat. II, 92.

<sup>45</sup> Cassius Dio LIV, 16; cf. Suet. *Div. Aug.* 40, 1, and *Dig.* XLVIII, XIV.

<sup>46</sup> Cassius Dio LV, 5.

<sup>47</sup> *Div. Aug.* 40, 2.

<sup>48</sup> Cassius Dio LV, 34.

<sup>49</sup> op. cit. 17 ff.

fact that results were declared in an order fixed by lot proves that they contributed to a final consolidated vote.

Secondly,<sup>50</sup> Professor Tibiletti has demonstrated that the vote of the ten centuries of C. and L. Caesar was somehow fitted into a vote of a larger number of centuries, presumably a vote of the *comitia centuriata* as a whole. This argument depends on the interpretation and reconstruction of the very defective and much disputed sentence 'isque numerus centuriarum qui h. r. adicitur in nu[merum . . . pro]inde cedat atq. eum numerum qui X centuriarum est cedere ex lege quam Cinna e[st] Volesus cos. tuler. cautum est] comprehensumve est uti cedat': Professor Tibiletti convincingly argues that this clause must mean that the five centuries of Germanicus Caesar are counted among the whole total of centuries in the same way that the ten centuries of C. and L. Caesar are counted in that total. It follows from this that the vote of the ten centuries was not decisive, that the two persons 'destined' by them as consuls, and the twelve 'destined' as praetors, were not the only candidates presented to the *comitia centuriata*, whom they were therefore bound to elect. The vote of the ten centuries was rather a reinforced *praerogativa*, whereby a preselected list of candidates came before the *comitia* with the double advantage over all others that each already had ten votes in his pocket, and that these votes represented the choice of the two highest orders in the State, the Senate and the Equites.

Professor Tibiletti<sup>51</sup> propounds the hypothesis that *destinatio* of this type had been exercised by the Senate (without the Equites) as early as 5 B.C., and indeed from the original settlement in 27 B.C. This view is based on the statement in the *Res Gestae*:<sup>52</sup> 'Gaium et Lucium Caesares honoris mei causa senatus populusque Romanus annum quintum et decimum agentis consules designavit ut eum magistratum inirent post quinquennium.' But it is surely pressing Augustus' exact words too strictly to insist that the Senate must have taken part in the actual election. The Senate would have had to contribute to the result by voting that Gaius and Lucius should be released from the *Lex annalis*, and would furthermore have had to vote that their *designatio* should take place five years before they would enter on office. This is surely enough to justify Augustus' mention of the Senate in this passage. And while the language of the *Tabula Hebana* does not prove that *destinatio* was first introduced by the *Lex Valeria Cornelia*, it strongly implies it.

I take it that in A.D. 5 Augustus introduced a new stage into the procedure for electing the consuls and praetors. Henceforth there was a preliminary vote by ten special centuries, composed of senators and Equites of the judicial decuries, which would give a strong lead to the *comitia centuriata*. The method employed for introducing this reform, by making it a part of the honours paid to the recently deceased princes, Gaius and Lucius, is curious, but I hope that what I have already said will have convinced readers that the electoral provisions of the *Lex Valeria Cornelia* are not likely to have been mere pious flummery to keep their memory green. These provisions dealt with a living and actual problem, and are likely to have been politically important. That they excited violent controversy is shown by the commotions which only two years later, in A.D. 7, prevented the elections from being completed.<sup>53</sup> I venture to suggest that Augustus had the electoral reform inserted into the honours paid to Gaius and Lucius with the precise object of stifling opposition. Respect for the feelings of the bereaved father would have forbidden any controversy over the bill.

To understand the political significance of the reform it is necessary to consider the composition of the ten centuries, and in particular the number and character of the Equites, to whom most commentators have hitherto given scant attention. It may be noted in the first place that the Equites who voted in the ten centuries were not the *equites equo publico* who were enrolled in the eighteen centuries or six *turmae*. This was only natural, for the *equites equo publico* were mostly young men under thirty-five,<sup>54</sup> ill fitted for grave political responsibility. But it has generally been held, on the strength of a sentence in

<sup>50</sup> op. cit. 28 ff.

<sup>51</sup> op. cit. 75 ff.

<sup>52</sup> cap. xiv. Tibiletti also cites Cassius Dio XLVI, 44-5 (Octavian's first consulate). But here also the

Senate's part must have been to release him from the *Lex annalis*.

<sup>53</sup> Cassius Dio LV, 34.

<sup>54</sup> Suet. *Div. Aug.* 38, 3; cf. Cassius Dio LIV, 26 (discussed above).



Pliny the Elder,<sup>55</sup> 'equitum nomen subsistebat in turmis equorum publicorum,' that under Augustus there were no Equites save the *equites equo publico*. Pliny is, however, certainly wrong. A clause in the *Tabula Hebana*, which distinguishes between 'ii qui equom pub. habebunt' and 'ii qui ordini [equestri adscripti nec publicum eq]uum habebunt'; however one restores the second phrase, it clearly implies the existence of members of the equestrian order other than the *equites equo publico*.<sup>56</sup> Another inscription which records the careers of two men, P. Vergilius Laurea and P. Vergilius Paullinus, probably brothers, is even more relevant to our purpose.<sup>57</sup> For the former is described as 'praef. fabr. iudici de IIII decuriis equiti selectorum publicis privatisq.', and the latter as 'equo publico iudici de IIII decur. praef. fabrum'. If Laurea had held the public horse like his brother, he could hardly have omitted to state the fact; yet he describes himself as *eques selectorum*.

The qualifications for ranking as an Eques without the public horse may be inferred from a *senatusconsultum* passed in A.D. 23 reaffirming and perhaps tightening up the qualifications for wearing the gold ring; for the gold ring was known as the *anulus equester*.<sup>58</sup> They are: 'qui ingenuus ipse ingenuo patre avo paterno HS CCCC census fuisset et lege Iulia theatri in quattuordecim ordinibus sedisset.' A seat in the first fourteen rows of the theatre was an equestrian privilege—

sedilibusque magnus in primis eques  
Othone contempto sedet,

as Horace<sup>59</sup> remarks of a wealthy freedman—and this privilege was conditional, as the Horatian passage shows, on free birth, and also on an 'equester census': Suetonius<sup>60</sup> tells us how a number of Equites, impoverished in the civil wars, were afraid to sit in the first fourteen rows until Augustus ruled that the 'poena theatralis' should not be exacted from those 'quibus ipsis parentibusve equester census umquam fuisset'. When Strabo<sup>61</sup> says: 'I have heard that at one of the censuses in our own time five hundred men of Gades were assessed as Equites,' he is clearly referring not to men given the public horse, but to men of a certain census qualification.

The Equites in the ten centuries had then to be citizens of free birth—perhaps for three generations back—and assessed at 400,000 HS at least. We must turn to the other half of the qualification, 'omnium decuriarum quae iudiciorum publicorum causa constitutae sunt erunt.' Under the late Republic there had been three *decuriae*, consisting of senators, Equites, and *tribuni aerarii*;<sup>62</sup> Caesar had abolished the third;<sup>63</sup> but under Augustus there were again three. To these Augustus added a fourth 'ex inferiore censu quae ducenariorum vocaretur iudicaretque de levioribus summis':<sup>64</sup> this was in A.D. 4, when Augustus held a census of all citizens resident in Italy who were assessed at 200,000 HS or more.<sup>65</sup> This fourth decury then does not concern us, since it did not contain Equites, and moreover, since it dealt with minor monetary cases, cannot have been 'iudiciorum publicorum causa'. Did the three older decuries consist, as under the late Republic, of senators, Equites, and *tribuni aerarii* respectively? Probably not, for Suetonius'<sup>66</sup> statement that Augustus, to relieve the burden on the *iudices*, allowed each decury in rotation a year off duty, strongly implies that the three decuries—the system of rotation cannot, of course, have applied to the fourth decury of *ducenarii*—were uniform in composition; for it would be very odd if in one year capital cases were tried by a jury of, say, senators and Equites, and the next by one of Equites and *tribuni aerarii*.

Our major witness on the composition of the *decuriae iudicum* under Augustus, Pliny

<sup>55</sup> *NH* xxxiii, 30.

<sup>56</sup> Lines 55–7. Since I wrote the above, James H. Oliver and Robert E. A. Palmer (*AJPhil.* lxxv (1954), 231, 246–7) have proposed another restoration which would eliminate the two classes of Equites in this passage. I am not convinced by their restoration, but it makes it impossible to use this passage as evidence for my thesis, which will, I hope, stand without it.

<sup>57</sup> *ILS* 6747.

<sup>58</sup> Pliny, *NH* xxxiii, 32; cf. 29, and Horace, *Sat.* ii, vii, 53.

<sup>59</sup> Horace, *Epod.* iv, 15–16.

<sup>60</sup> *Div. Aug.* 40, 1.

<sup>61</sup> iii, 169; v, 213.

<sup>62</sup> Asconius, in *Pis.* 94.

<sup>63</sup> Suet. *Div. Iulius*, 41, 2.

<sup>64</sup> Suet. *Div. Aug.* 32, 3.

<sup>65</sup> Cassius Dio LV, 13.

<sup>66</sup> *Div. Aug.* 32, 3.

the Elder,<sup>67</sup> is unfortunately very confused. The passage in question is primarily concerned with the use of the gold ring, the *anulus equester* which, Pliny says, was formerly granted for a military horse, but now for a monetary qualification. This, he asserts, was a recent change. 'Divo Augusto decurias ordinante maior pars iudicum in ferreo anulo fuit, iique non equites sed iudices vocabantur; equitum nomen subsistebat in turmis equorum publicorum.' This is, as we have seen, false; the gold ring and the title of Eques was in fact in Augustus' day shared by all citizens of free birth and equestrian census. Pliny goes on to say that in Augustus' day there were only four decuries, and barely a thousand in each decury, and that provincials were not yet admitted. 'Decuriae quoque ipsae,' he continues, 'pluribus discretas nominibus fuere, tribunorum aeris et selectorum et iudicum. praeter hos etiamnum nongenti vocabantur ex omnibus selecti ad custodiendas suffragiorum cistas in comitiis, et divisus hic quoque ordo erat superba usurpatione nominum cum alius se nongentum, alius selectum, alius tribunum appellaret.'

It is difficult to make much of this jumble of garbled information. The 900 *custodes* of the ballot boxes at the elections, who were, according to Pliny, chosen from all the decuries—their number implies from the three senior—need not detain us.<sup>68</sup> The term *selecti* seems in late Republican<sup>69</sup> and Augustan<sup>70</sup> usage to denote the whole body of *iudices* who served in the *iudicia publica*. They are sometimes mentioned in later inscriptions as if they were an élite among the 'iudices ex quattuor'—from Gaius onwards 'quinque'<sup>71</sup>—'decuriis'. This is suggested by such variants from the usual 'iudex ex V decuriis' as 'iudex selectus ex V decuriis'<sup>72</sup> or 'iudex ex V decuriis inter selectos'.<sup>73</sup> Especially significant are 'ex V decuriis decuriarum III'<sup>74</sup> and 'iudex selectus decuriis tribus'<sup>75</sup> (at a date when there were five decuries), which strongly suggest that the *selecti* were the members of the three superior decuries, as opposed to the plain *iudices* of the later fourth and fifth decuries, one of which, and probably both, had a lower census qualification. Finally 'iudex CCCC Romae decuriarum V'<sup>76</sup> or 'ex quinque decuriis iudicum inter quadringenarios'<sup>77</sup> together with 'iudex CCCC selectus'<sup>78</sup> suggests that the distinguishing mark of the *selecti* was the equestrian census. This is confirmed by the early inscription already quoted 'iudex de IIII decuriis eques selectorum publicis privatisque', and almost clinched by a sentence in Seneca,<sup>79</sup> 'iudex ex turba selectorum quem census in album et equestris hereditas misit.' In Nero's reign the qualification for a *iudex selectus* was the equestrian census.

Pliny would appear to be right therefore in asserting that in the Augustan decuries there was a distinction between the *selecti* and the other *iudices*, and that not all *iudices* were Equites, but the evidence suggests that the members of the three superior decuries were all *selecti* and Equites, in the sense of holding the equestrian census, and that only the fourth decury consisted of mere *iudices* of a lower census. But he mentions yet another distinction, the *tribuni aerarii*. They never appear again. They may perhaps have been revived after their suppression by Caesar, but if so the revival seems to have been short-lived: it is perhaps more probable that Pliny is confusing late Republican with Augustan memories.<sup>80</sup>

<sup>67</sup> *NH* xxxiii, 29–31.

<sup>68</sup> Mommsen, *Staatsrecht*,<sup>3</sup> III, 406, n. 2; 553, n. 3; now they are known also from the *Tabula Hebana*, ll. 13–6.

<sup>69</sup> Cicero, *pro Cluentio*, 121; cf. Horace, *Sat.* I, iv, 121–3.

<sup>70</sup> Ovid, *Tristia*, II, 132, 'nec mea selecto iudice iussa fuga est.'

<sup>71</sup> Suet. *Calig.* 16, 2.

<sup>72</sup> *ILS* 6572–3; cf. 5006.

<sup>73</sup> *ib.* 6744, cf. 7122.

<sup>74</sup> *ib.* 6862.

<sup>75</sup> *ib.* 5016.

<sup>76</sup> *ib.* 6523.

<sup>77</sup> *ib.* 6772.

<sup>78</sup> *ib.* 4093.

<sup>79</sup> *de Benef.* iii, 7.

<sup>80</sup> In an able article (*Rhein. Mus.* 1953, 201–213, 'iudex selectus'), which I only saw after mine was written, Mr. Staveley has upheld the continued

existence of the *tribuni aerarii* as a decury. Like myself, he holds that the *iudices selecti* were the *decuriae equitum* (whom he takes to be *equo publico*), but he argues that the fifth decury which Gaius added probably was a *decuria equitum*, and that there were therefore under Augustus two *decuriae* of *selecti* (*equites*), one of *tribuni aerarii*, and (later) one of *ducenarii*. I would reply that the *iudices selecti* seem to be identical with the whole panel which provided jurors in criminal trials both in the late Republic (when therefore *selecti* included senators, Equites, and *tribuni aerarii*), and in the Augustan age: the term is unlikely to have changed its meaning, apart from Ovid's words, cited in n. 70. The title *tribuni aerarii* may have survived, but if so, the jurors so called were in my view among the *selecti*, and held the equestrian census, and might therefore be also called Equites, as Cicero frequently calls them in the late Republic: the meaning of the term, as Mr. Staveley agrees, remains a mystery.

Finally it may be asked did senators still serve as *iudices*? There is no record of their doing so under the Principate, and Mommsen<sup>81</sup> inferred *ex silentio* that they did not. The inference is by no means certain. Pliny does not, it is true, speak of them in the passage discussed above, but as this is primarily concerned with the gold ring, they were not strictly relevant to his argument. In the inscriptions senators never record membership of the decuries, as do persons of lower degree; but for them it was no distinction, and for others it was. In literature the *decuriae iudicum*, which is always the official term, are sometimes called *decuriae equitum*; <sup>82</sup> but senators would have been a small minority if distributed, as they must have been if they served at all, among three decuries each a thousand strong. It seems at first sight uncharacteristic of Augustus, who did so much to restore the prestige of the Senate, to take from the order the judicial powers to which it had attached so much importance in the last century of the Republic. But judicial service came during his reign to be regarded as a burden rather than a privilege,<sup>83</sup> and he may well have relieved senators, who found regular attendance at the sessions of the House a nuisance,<sup>84</sup> of the additional obligation of serving as jurors. The *Lex Iulia iudiciaria*<sup>85</sup> (or the *leges Iuliae iudiciorum publicorum et privatorum*)<sup>86</sup> may have included in its provisions a thorough reorganization of the *iudices selecti*, and what it did, I suggest, was to establish the three *decuriae*, each a thousand strong, consisting of Equites, in the sense of ingenuous citizens with a census of at least 400,000 HS.

This, in my opinion, was the body which shared with the senators the right of voting in the ten centuries of C. and L. Caesar. It was admirably adapted for the purpose. The Equites of the decuries were not only by definition men of substance. They were of mature years—the minimum age limit was at first 35, later reduced to 30.<sup>87</sup> They were picked, by the emperor himself<sup>88</sup> or a small senatorial commission,<sup>89</sup> for their probity and judgment. They could therefore be expected to exercise their franchise responsibly. They had, moreover, to be domiciled in Italy,<sup>90</sup> and, from the nature of their duties, had to spend much of their time in Rome. They could therefore be counted upon to attend the elections. They would thus be the preponderating body in the ten centuries: at full strength they would outnumber the senators by five to one; and even if under the later system of rotation<sup>91</sup> only two-thirds were in Rome to record their votes, it must be remembered that at any given time something approaching a sixth of the senators would be absent in the provinces.<sup>92</sup> It was clearly the Equites who, under the new system, if Augustus' hopes and wishes were to be realized, would dominate and direct the praetorian and consular elections.

These Equites were, it may be noted, the very type of men whom, according to Claudius, his uncle the divine Augustus wished to see in the Senate—to quote his words once again, 'omnem florem ubique coloniarum ac municipiorum, bonorum scilicet virorum et locupletium.'<sup>93</sup> Merely to enter the Senate was probably not very difficult for them, and the Princeps could by *commendatio* push a selected few as far as the praetorship, as Velleius Paterculus and his brother were pushed in the last year of the reign.<sup>94</sup> Augustus seems, however, to have been reluctant to commend to the consulate. The new voting procedure seems admirably designed to get over this difficulty. The ten centuries, dominated by *equites municipales*, would be able to give a strong *praerogativa* to the *comitia centuriata* in favour of candidates from their own ranks who aspired not only to the praetorship, but to the consulate itself. The *Lex Valeria Cornelia* would have achieved in another way much the same result as the other electoral reform which Augustus contemplated,

<sup>81</sup> Mommsen, *Staatsrecht*, III, 535, n. 3.

<sup>82</sup> Tacitus, *Ann.* III, 30; Suet. *Tib.* 41.

<sup>83</sup> Suet. *Div. Aug.* 32, 3.

<sup>84</sup> Cassius Dio LIV, 18, 35; LV, 3.

<sup>85</sup> *Dig.* XLVIII, xiv, 1, § 4; *SEG* IX, 8, l. 117.

<sup>86</sup> *Fr. Vat.* 197–8; cf. Gaius IV, 30.

<sup>87</sup> Suet. *Div. Aug.* 32, 3.

<sup>88</sup> Suet. *Div. Aug.* 29, 3, 32, 3; *Tib.* 41.

<sup>89</sup> Tac. *Ann.* III, 30.

<sup>90</sup> Pliny, *NH* xxxiii, 30, 'nondum provinciis ad hoc munus admissis'; cf. n. 64.

<sup>91</sup> Suet. *Div. Aug.* 32, 3.

<sup>92</sup> The proconsuls, quaestors, and legates of the public provinces (c. 35), *legati pro praetore* (c. 12), *legati legionis* (c. 25), other judicial *legati*, not to speak of *comites* of governors and special *legati* for the census and *dilectus*.

<sup>93</sup> See p. 9, n. 7.

<sup>94</sup> Vell. Pat. II, 124.

according to Suetonius,<sup>95</sup> but did not put into force, of enabling the decurions of his twenty-eight Italian colonies to record their votes by post. By this means, too, close on 3,000 voters from the Italian upper class would have been given a privileged position in the elections.

How far do the known results of the consular elections bear out this analysis? This is a problem of prosopography and as I am not an adept in that science, I would hesitate to attack it, were it not that experts in that field have already provided an answer. They have noted<sup>96</sup> that in the middle years of Augustus' reign, from 18 B.C. to A.D. 4, *nobiles* preponderate to a marked degree in the consular *fasti*: *novi homines* very rarely appear, and there are not many consuls from the new nobility which had been created in the triumviral period. This they attribute to the policy of Augustus. It is rather, I submit, to be attributed to the normal working of the electoral system. During the late Republic the *nobiles*, by means which are not altogether clear, but included patronage and bribery, had been consistently able to manage the *comitia centuriata*: it was only by a concerted effort that in a few isolated years the First Triumvirate had been able to put through the election of their candidates. When normal elections had been restored, and Augustus' initial popularity had worn off, the *nobiles*, I submit, regained their hold.

From A.D. 4 to the end of the reign, the prosopographical experts<sup>97</sup> note that *novi homines* and men of recently ennobled families are noticeably commoner in the consular *fasti*. This again they attribute to direct intervention. According to one view, Professor Syme's, the change was due to the return of Tiberius, who according to the tradition of the Claudii favoured new men. According to another, that of Professor Marsh, Tiberius favoured the *nobiles*, but being away on the frontiers, was unable to make his influence felt until the last year or two of the reign, when Professor Marsh detects a swing towards the *nobiles*. The author of the change was, according to him, Augustus himself, who felt the need for consuls better fitted than the *nobiles* for the urgent military tasks of this decade. A simpler explanation is, I suggest, the operation of the new electoral procedure enacted by the *Lex Valeria Cornelia* in A.D. 5.

It remains to consider what happened in A.D. 14, when on Augustus' death, according to Tacitus, 'tum primum e campo comitia ad patres translata sunt.'<sup>98</sup> That the *Lex Valeria Cornelia* was still in operation is shown by the fact that it was amended by the *Tabula Hebana* after Germanicus' death in A.D. 19, five additional centuries being created in his honour, and fragments survive of yet another law which added five more centuries in honour of Drusus on his death in A.D. 23.<sup>99</sup> No more is heard of *centuriae Caesarum* after this date, but there seems no reason why the formal procedure should not have continued as long as the *comitia centuriata* went on holding the ceremonial of elections.<sup>100</sup> But this is no reason for doubting the truth of Tacitus' statement that in the first year of Tiberius the real election was transferred from the *comitia* to the Senate. Here I agree with Professor Tibiletti<sup>101</sup> that Tacitus cannot have been mistaken on so important and public a change, but I would go further than he in my faith in Tacitus. Professor Tibiletti thinks that in A.D. 14 the vote of the ten centuries of the Caesars was made binding on the *comitia*, in that henceforth the presiding magistrate nominated to it only the candidates 'destined' by the ten centuries, which in default of others it was bound to elect. This he thinks is what Tacitus rather loosely describes as 'a campo comitia ad patres translata sunt'. To this view I would object that the ten centuries, in which Equites outnumbered senators by about five to one, could hardly be termed 'patres', and that the narrative of Tacitus clearly implies that the elections were held at a regular session of the Senate in which other business was transacted, including a decision that tribunes of the Plebs should celebrate the newly established *ludi Augustales*, and should receive a treasury grant for the purpose.<sup>102</sup>

<sup>95</sup> *Div. Aug.* 46.

<sup>96</sup> Marsh, *The Reign of Tiberius*, 63; Syme, *The Roman Revolution*, 362, 372-3.

<sup>97</sup> Marsh, *op. cit.* 43 and 67; Syme, *op. cit.* 362, 434-5.

<sup>98</sup> *Tac. Ann.* I, 15.

<sup>99</sup> *AE* 1952, 80.

<sup>100</sup> 'Longum illud carmen comitiorum,' or 'solemnia comitiorum' still went on in Pliny's day (*Pan.* 63, 2; 64, 1) and indeed in Dio's (LVI, 20).

<sup>101</sup> *op. cit.* 166 ff.

<sup>102</sup> *Ann.* I, 15, clearly all belongs to the same sitting.

What did happen in A.D. 14 was, I suggest, that Tiberius proposed to the Senate that they should settle among themselves who should be candidates for the various magistracies: that the House itself should reduce the number of candidates to equal the number of places to be filled, so that the elections both by the ten centuries and by the full *comitia* would become a formality. For the majority of the offices—the aedileship, tribunate of the Plebs, praetorship, and consulate—where the candidates were necessarily members of the House, this procedure would present no difficulty. But for the vigintivirate and the quaestorship also the majority of the potential candidates would be senators' sons, for whose obedience their fathers could answer, and the few outsiders would no doubt be under some senator's patronage. In the last resort the presiding magistrate could refuse to nominate candidates not approved by the Senate. The change could thus have been brought about without any formal legislation.

Tacitus gives us a few details of the new electoral procedure. Tiberius limited himself to commending four candidates for the praetorship, who were to be elected without canvass, and without the possibility of rejection. He also, according to Tacitus, 'candidatos praeturae duodecim nominavit, numerum ab Augusto traditum; et hortante senatu ut augeret, iure iurando obstrinxit se non excessurum.' What Tacitus intended these words to mean, I am not certain, but what his source must have stated was that Tiberius refused to raise the number of praetorships above twelve, the figure fixed by Augustus.<sup>103</sup> More than twelve candidates might be, and commonly were, nominated for the twelve places; under Nero competition was so embittered that the Emperor had to resolve the conflict by appointing the three disappointed candidates to legionary legations.<sup>104</sup> For the lower offices likewise elections were often, if not normally, contested. Under Gaius, Vespasian failed in his first candidature for the aedileship, and only scraped in sixth in his second.<sup>105</sup> The younger Pliny in his letters solicits support for candidates whom he was backing<sup>106</sup>—in one case for the tribunate of the Plebs—and speaks of corrupt practices by candidates,<sup>107</sup> and of the unseemly uproar of the elections in his day, which he contrasts with the dignified procedure of the past:<sup>108</sup> he also records the introduction of the secret ballot in the elections.<sup>109</sup> Up to and including the praetorship the elections in the Senate were a reality down to the early second century at least.

The consulate, on the other hand, had by then, and indeed as early as Nero's reign,<sup>110</sup> come to be managed by the emperor, who in effect commended for all the places. Tacitus evidently assumed that this was already the case in Tiberius' reign, but he frankly states that the evidence appears to be incompatible with this view. He had read Tiberius' speeches on the occasion of the elections,<sup>111</sup> and found that sometimes without mentioning the names of the candidates he described the birth and education and service of each, so that it could be gathered who they were. On other occasions he merely urged the candidates, without indicating who they were, not to disturb the elections by canvassing. He often stated that only those had made their *professio* to him whose names he had communicated to the consuls, but that others might also make a *professio*, if they had confidence in their popularity or their merits. Tacitus regards all this as Tiberian hypocrisy, but to an impartial reader Tiberius' speeches would surely have revealed that there were genuine contests for the consulship, and that the Emperor studiously avoided giving any lead.

Cassius Dio gives an interesting picture of the elections under Tiberius under A.D. 32.<sup>112</sup> He, too, assumes that the Emperor then as in his own day himself arranged

<sup>103</sup> *Ann.* I, 14. The chief objection to this view is that in *Ann.* II, 36, Asinius Gallus 'censuit in quinquennium magistratum comitia habenda . . . princeps duodecim candidatos in annos singulos nominaret': here it must be meant that Tiberius was to draw up a list of twelve candidates per annum for the next five years. Tiberius is represented as objecting to this suggestion as unduly extending his powers, but only on the grounds that nominating twelve candidates for one year involved him in odium enough, to do so for years in advance would

be intolerable. I think that Tacitus has misunderstood or misrepresented Tiberius' speech.

<sup>104</sup> *Tac. Ann.* XIV, 28.

<sup>105</sup> *Suet. Vesp.* 2, 3.

<sup>106</sup> *Ep.* II, 9; VI, 6; cf. VIII, 23.

<sup>107</sup> *Ep.* VI, 19.

<sup>108</sup> *Ep.* III, 20.

<sup>109</sup> *Ep.* III, 20; IV, 25.

<sup>110</sup> *Tac. Hist.* I, 77.

<sup>111</sup> *Tac. Ann.* I, 81.

<sup>112</sup> LVIII, 20.

the consulates. 'Of those who competed for the other magistracies,' he goes on, 'he picked as many as he wished, and sent them to the Senate, commending some to it (who were elected unanimously) and leaving the others to their merits, or to agreement or sortition. And after this the appropriate candidates went to the *Populus* or the *Plebs* respectively, for the ancient ceremonial, as to-day, to be carried out in form, and were declared.' The first stage is here the *nominatio* by the emperor, who weeds out some of the competitors. The rest he sends to the Senate, a few with his *commendatio*, who are automatically elected. The picture which Dio gives of the process whereby the superfluous candidates for the remaining places were eliminated is interesting. The choice might be made on the merits of the candidates, that is by discussion and vote. But alternatively candidates might draw lots or strike bargains among themselves. *A* might agree to stand down to *B*, if next year *B*'s brother would stand down to him, for instance. These informal arrangements were eased, as Dio explains in the next sentence, by varying the number of magistracies from year to year. 'If ever there were not enough candidates, or there was a bitterly contested election, fewer were elected': and here I would suggest that the words 'or more' have been omitted from our text, for electing a smaller number would be no remedy for a superfluity of obstinate candidates, and in the next sentence Dio specifically states that fifteen praetors were elected in the next year, and that their number varied at this period, being sometimes as many as sixteen, sometimes as few as thirteen or fourteen. By this time Tiberius had evidently released himself from his oath to keep the praetorship at twelve.

Dio's account of Gaius' abortive attempt to revive genuine popular elections fits in well with this picture.<sup>113</sup> The attempt failed partly, he says, because the voters were inexperienced, but also because usually no more candidates presented themselves than there were places to fill, and if there were more aspirants than places, they made agreements among themselves. Gaius evidently prohibited a formal debate in the Senate, such as Tiberius had introduced with a view to producing an agreed list for presentation to the *comitia*, but the candidates none the less got together privately and arranged things as they had done previously.

What were Tiberius' motives in transferring the effective elections to the Senate, or what Augustus had had in mind, if Tiberius was merely posthumously carrying out a change planned by his predecessor, it is difficult to divine. The result of the change seems to have been nil. Professor Tibiletti,<sup>114</sup> who has carefully analysed the *fasti* from A.D. 5 to A.D. 14, and from A.D. 14 to A.D. 31, can detect no difference between them in the proportion of *nobiles* and *novi homines* elected. This is perhaps not surprising. The *nobiles* always formed numerically a small minority in the full house of 600 members and it was by their *auctoritas* that they swayed its vote. It would seem that by now, with several representatives among the consulars, the new and modest senators had acquired sufficient confidence to elect one of themselves to the consulate from time to time. Senators were no doubt, as Tacitus says, glad to be relieved of the trouble and expense of canvassing and bribery, and the electorate was apathetic. If by the new system the aim of imperial policy could be achieved in a way which gratified the Senate, and at the same time eliminated the scandals of electoral disorders and corruption, so much the better.

It is generally agreed that it was one of Augustus' main objectives—and also one of his major achievements—to broaden the basis of the ruling oligarchy by the admission not only to the Senate, but to the inner ring of the *nobiles*, of new men drawn from the length and breadth of Italy. It has hitherto been held, and on the evidence available no alternative view was possible, that Augustus achieved this objective by *commendatio*, or by other less overt uses of his *auctoritas* at the elections. I have endeavoured to prove that Augustus found it impracticable or impolitic to exercise strong pressure on the elections, and the *fasti* suggest that during the middle years of his reign, when his initial popularity had receded, the *nobiles* reasserted their monopoly of the consulate. The *Tabula Hebana* has, I believe, revealed Augustus' countermeasures against the nobility, in the ingenious

<sup>113</sup> LIX, 9 and 20.

<sup>114</sup> op. cit. 239 ff.

electoral machinery of the *Lex Valeria Cornelia*, whereby, although the freedom of the *comitia* was theoretically left untrammelled, a strong lead was given to it by ten centuries composed in the main of the very class whom Augustus wished to see elected to praetorships and consulates. This electoral machinery remained in effective use for less than ten years, but it seems during that period to have achieved its object. By the accession of Tiberius the monopoly of the *nobiles* had been broken, and a sufficient number of new men had been promoted to the higher ranks of the Senate to make it possible to entrust the elections to the Senate itself.



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Imperial and Senatorial Jurisdiction in the Early Principate

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## IMPERIAL AND SENATORIAL JURISDICTION IN THE EARLY PRINCIPATE\*

Under Augustus, or at any rate in the Julio-Claudian period, several forms of jurisdiction affecting Roman citizens came into existence, or into prominence, which either did not exist or were rarely to our knowledge exercised under the late Republic. Appeals (*appellationes*) to the emperor against civil judgments from both Italy and the provinces were already common under Augustus, and similar appeals to the senate are recorded under Nero. Augustus also occasionally exercised a primary civil jurisdiction, and so apparently did the consuls in his day. In capital cases both the emperor and the senate exercised a primary jurisdiction against which there was, it would seem, no *provocatio ad populum*: these jurisdictions are well attested under Tiberius and can be traced back to Augustus' reign. Finally in some capital cases the accused was entitled to appeal to the emperor; this right apparently replaced the ancient *provocatio ad populum*. The only attested case in the Julio-Claudian period is the appeal of Paul of Tarsus to Nero.

### *Civil Appeals in the Late Republic*

The judicial *appellatio* of the Principate was, as its name implies, derived from the Republican practice, whereby a citizen could appeal to (*appellare*) a tribune of the plebs or a magistrate of the Roman people to give him aid (*auxilium*) against the action of another magistrate. The tribune or magistrate thus invoked was not, of course, compelled to accede to the citizen's request, but if he did so, he exercised his *auxilium* by vetoing, either *qua* tribune or in virtue of *par maiorve potestas*, the action of the magistrate against whom the appeal had been made.

It is questionable how far this procedure was applicable to civil jurisdiction. In the formulary process, which seems to have been normally followed both in Italy and in the provinces under the late Republic, the part of the magistrate (the praetor at Rome and the governor or his delegates in a province) was limited to issuing executive orders (*decreta*), such as *missio in possessionem*, to determining the *formula* under which a case was to be tried and appointing the *iudex* who was to try it.<sup>1</sup> When these preliminary proceedings (*in iure*) were concluded

\* I am indebted to Professors Daube and Duff, Mr. Hugh Last, Mr. John Crook and the late Professor Jolowicz, who read this article in manuscript and made a number of corrections and suggestions which I have incorporated. There are not responsible for my theories.

<sup>1</sup> Lest my language here and elsewhere should offend those who hold that the formula was a statement freely agreed between the parties and the *iudex* an arbitrator as freely accepted, I would explain that by using such words as 'determine' and 'appoint' I mean

by the *litis contestatio*, the magistrate's part was finished, and the *iudex* tried the case and gave judgment. The judgment of the *iudex*, it is generally held, was not liable to *appellatio*, since he was not a magistrate, nor strictly speaking a delegate, but, in theory, an arbitrator to whom the litigants had submitted their dispute.

There were various means whereby the judgment of the *iudex* could be annulled or rectified. It was possible for the defeated party to contest the *actio iudicati* whereby the successful party sought to obtain execution: if he was unsuccessful in thus impugning the judgment he was liable to pay double the sum in which he had been originally condemned.<sup>1</sup> In certain circumstances an unsuccessful litigant could apply to the magistrate for *restitutio in integrum*, whereby the trial was annulled. He might allege that the trial was vitiated by *metus*,<sup>2</sup> that is that the judge had been intimidated, or by *dolus*,<sup>3</sup> as, for instance, when the witnesses had been bribed. He might also sometimes claim *restitutio* if he had lost his case by some technical error, such as *plus petitio*.<sup>4</sup> Cicero in a sentence obscure from its brevity, 'decrevit ut si iudicatum negaret, in duplum iret; si metu coactos diceret, haberet eosdem recuperatores', seems to allude to both these remedies as alternatives: the case was between two *peregrini* and took place in the province of Asia, but the proconsul — Quintus Cicero — was clearly using Roman procedure.<sup>5</sup> A litigant could also bring an action against the *iudex* for corruption, malice or favour, or even negligence. In such circum-

only that in the final resort it was the magistrate who decided under what formula the case should be heard and by what *iudex*, and that he could overrule objections by the parties. Otherwise justice could not have been done, for a defendant with a weak case could have held up the trial indefinitely. Nor would the parties have taken resort to *appellatio* in order to try to get the formula changed, as they did. A plaintiff clearly had to accept the magistrate's rulings, as the latter could refuse to proceed unless he did. Against a recalcitrant defendant the magistrate could presumably bring pressure by threatening a decretum in the plaintiff's favour. Cicero's statement (pro Cluentio, 120) 'neminem voluerunt maiores nostri non modo de existimatione cuiusquam sed ne pecuniaria quidem de re minima esse iudicem nisi qui inter adversarios convenisset' may represent the theory of Roman law, but surely not the practical reality.

<sup>1</sup> Gaius, IV, 9, 'rem vero et poenam persequimur velut ex his causis ex quibus adversus infitiantem in duplum agimus; quod accidit per actionem iudicati . . .': cf. IV, 102 (satisfactio required in this action). Cf. Cic. pro Flacco, 49. There was also an obscure process known as *revocare in duplum*: Paulus, Sent. V. va. 6a, 7, 8, App. leg. Rom. Visig. II, 6, 9, 10.

<sup>2</sup> Cic. pro Flacco, 49 apparently alludes to a *restitutio* on the plea of *metus*: it was perhaps on these grounds that many of Verres' iudicia were restituta by his successor (Cic. II Verr. II, 62—3).

<sup>3</sup> Rescript of Hadrian, Dig. XLII. i. 33.

<sup>4</sup> Gaius, IV, 53, 57, cf. Suet. Claud. 14. Persons under twenty-five could claim *restitutio in integrum* from the *sententia* of a *iudex* without any specific cause (Ulpian, Dig. IV. iv. 7. § 4) but this was merely a part of the general protection given to minors.

<sup>5</sup> Cic. pro Flacco, 49.

stances the *iudex* was said *litem suam facere*, and if condemned was liable in damages to the litigant.<sup>1</sup>

It may be noted that some of the procedures mentioned above resulted, or might result, in a retrial of the case, and what was in effect a reformatory judgment.<sup>2</sup> If a defeated litigant brought an action against the *iudex*, the court had presumably to determine whether and in what matters the *iudex* had erred in his judgment in order to assess the damages. *In integrum restitutio* was technically purely cassatory, but was often followed by a new trial. Quintus Cicero in the case mentioned above, where the defeated party alleged that *metus* had vitiated the original trial, decreed that the case should be retried by the same *recuperatores*. A litigant who had failed in his suit owing to *plus petitio* applied for *restitutio* precisely in order that he might be able to reopen his suit with a revised *formula*.<sup>3</sup>

None of these remedies, however, were obtained by *appellatio*. They continued to exist under the principate side by side with *appellatio* — indeed most of our information about them is derived from the imperial lawyers — and are distinguished from it.

But if no *appellatio* was possible against the decision of the *iudex*, it could be exercised against the preliminary proceedings of the magistrate, and it was at this stage, it may be argued, that an appeal was most likely to arise. By his *decreta* and by his *formula* the magistrate gave his decision on the points of law involved, and the part of the *iudex* was to find the facts and apply the law. Appeals generally arise on legal rather than on factual issues, and against corruption or unfairness on the part of the *iudex* the litigant had other remedies. The case is not quite so simple as this, for the division of the proceedings into those *in iure* and those *apud iudicem* corresponded only imperfectly with the division into issues of law and of fact. The magistrate had to make some preliminary investigation into the facts of the case in order to determine the legal issues. On the other hand the *formula* was a very brief document, and the *iudex* had often to decide complex legal issues in applying it to the case before him.

Nevertheless the proceedings *in iure* were no formality, and we know in fact of several cases in the late Republic in which appeals were made at this stage.

<sup>1</sup> Gaius, IV. 52, Dig. XLIV. vii. 5. § 4, L. xiii 6; Ulpian, Dig. V. i. 15, 16.

<sup>2</sup> The *actio iudicati* could, it seems, be contested only if the *iudex* had committed some manifest and flagrant error in fact or law (Dig. XLIX. viii. 1).

<sup>3</sup> It is true that *restitutio in integrum* might involve *appellatio*. For when the defeated party applied for *restitutio* the other litigant might object and appeal to another magistrate to veto the decree whereby it was to be granted, or alternatively a litigant who was refused *restitutio* by the magistrate under whom the case had been initiated might appeal to another to grant it to him. Neither of these procedures is attested until the Principate (Dig. IV. iv. 38, 39) but there seems no reason why they should not have been possible under the Republic. But in such cases *appellatio* was not made from the sentence of the *iudex*, but from a magisterial act.

In the complicated preliminary proceedings to the trial in which Cicero defended P. Quinctius, the latter's *procurator* Alfenus appealed to the tribunes against a decree of the praetor, and obtained partial satisfaction in that one of them, M. Brutus, threatened to interpose his veto unless the plaintiff Naevius came to a reasonable agreement with Quinctius to enable the latter to appear and plead his case.<sup>1</sup> In the case in which Cicero spoke on Tullius' behalf, the defendant P. Fabius, dissatisfied with the *formula* which the praetor Marcellus proposed, to which he wished the word *iniuria* to be added, appealed to the tribunes, but without success.<sup>2</sup> In both these cases the *auxilium* of the tribunes would have had a purely negative effect in theory, merely putting a stop to the trial, but the real object of the *appellatio* was by threatening to hold up the action to force the praetor to withdraw his decree or modify his *formula*.

In other cases appeals were made to, or *auxilium* was offered by, a praetor against another praetor in virtue of their *par potestas*. In 48 B. C. "M. Caelius Rufus took up the cause of debtors and at the beginning of his magistracy placed his judgment seat next to the official chair of C. Trebonius, the urban praetor, and promised that if anyone appealed (*appellavisset*) on the payments which were to be made on the basis of a valuation by an arbitrator, as Caesar had ruled in person, he would come to their rescue (*fore auxilio*)".<sup>3</sup> According to Caesar no one did appeal. If they had, Caelius would no doubt have been content to veto the proceedings: no further action would have been required, as he would have achieved his object of preventing creditors from collecting their debts.

Another and more interesting case is Verres' urban praetorship. Cicero tells how L. Piso, probably the *praetor peregrinus*, "filled large numbers of ledgers with the cases in which he interceded (*intercessit*) because Verres had made a judicial ruling (*decrevisset*) not in accord with his own edict. You have not forgotten, I expect, the crowd, the procession that used to converge on Piso's official seat when Verres was praetor. If he had not had him as a colleague, he would have been stoned in the forum. But his injuries seemed the lighter because there was in the equity and learning of Piso a ready refuge, which people used without toil or trouble or expense, without even an advocate".<sup>4</sup>

Piso's action may, like that of Caelius, have been purely negative. But Cicero's praise of his equity and learning would seem to be somewhat exaggerated if all he did was in appropriate cases to hold up proceedings until his and Verres' term of office had expired. It may be that, like the tribunes, he used his power of veto to exercise pressure on Verres to change his rulings. But it does not seem impossible that he himself issued *decreta* and *formulae* to dissatisfied litigants in substitution for those of Verres which he vetoed. Whether he was entitled to do so depends on a dubious point in Roman constitutional law — or

<sup>1</sup> Cic. pro Quinctio, 29, 63, 65.

<sup>3</sup> Caesar B. C. III. 20.

<sup>2</sup> Cic. pro Tullio, 38—9.

<sup>4</sup> Cic. II Verr. I. 119.

perhaps rather practice. When in the *sortitio provinciarum* C. Verres obtained the *iurisdictio inter cives* and L. Piso the *iurisdictio inter peregrinos* did this inhibit Verres from trying a case where a foreigner was involved, and Piso from acting where both parties were citizens? Or did both retain the full power of *iurisdictio* inherent in their *imperium*, and accept a *de facto* division of duties? I know of no evidence against the latter view, in which case Piso was entitled not only to veto Verres' acts, but to issue *decreta* and *formulae* of his own on the same cases. Verres could, of course, have in his turn vetoed Piso's acts, but perhaps he was not such a fool as to expose himself to ridicule by so doing.

We know also of one case where an appeal was made from a praetor to a consul. In 77 B. C. the urban praetor Orestes granted *bonorum possessio secundum tabulas testamenti* to one Genucius, a Gallus of the Magna Mater, whom Naevianus, a freedman, had made his heir. Naevianus' patron, Surdinus, appealed to Lepidus, one of the consuls, who vetoed the praetor's decree (*praetoriam iurisdictionem abrogavit*), on the ground that Genucius was neither a man nor a woman.<sup>1</sup> Valerius Maximus, who tells the story, speaks of Lepidus making a *decretum*. He may not be speaking technically, for, as the appellant Surdinus would inherit as Naevianus' patron if the latter's will were invalidated, it would only be necessary for Lepidus to annul the praetor's decree and no further action was required. But here again there seems to be no reason to doubt that a consul could if he wished issue a decree in substitution for that which he vetoed. It seems unlikely that when the office of praetor was created to relieve the consuls of the task of administering justice, the consuls were thereby deprived of the *iurisdictio* inherent in their *imperium*. One act of jurisdiction, *manumissio vindicta*, they continued to exercise regularly as long as the consulate survived.<sup>2</sup> Otherwise their powers of *iurisdictio* were normally dormant, but could, it would seem, be brought into action if a citizen appealed to them to intervene in what was normally the business of their junior colleague, the praetor.

Two other more general allusions to appeal may be cited. Cicero, applying legal terms metaphorically to a philosophical argument, says of his opponents: 'tribunum aliquem censeo adeant: a me istam exceptionem numquam impetrabunt'.<sup>3</sup> The imaginary case is that of the praetor whom one of the parties is urging to insert an *exceptio* in the *formula*: he refuses, and they appeal to the tribunes, who by vetoing the *formula* will bring pressure on the praetor to make the emendation. The author of the *ad Herennium*, discussing the various kinds of *ius*, distinguishes that created by judicial decisions. 'Iudicatum est id de quo sententia lata est aut decretum interpositum: ea saepe diversa sunt, ut aliud alii iudici aut praetori aut consuli aut tribuno plebis placitum sit; et fit ut de eadem re saepe alius aliud decreverit aut iudicaverit'.<sup>4</sup> The list of persons who

<sup>1</sup> Val. Max. VII. vii. 6.

<sup>2</sup> Ulpian, Reg. I. 7; Dig. I. x.

<sup>3</sup> Cic. Acad. Prior. II. 97.

<sup>4</sup> Auct. ad Herenn. II. 19.

thus create law is interesting in that it includes not only the praetor and the *iudex*, who interprets the *formula*, but the consul and the tribune. These two can only have acted on appeal. The tribune, it is true, possessed no formal power of *iurisdictio*,<sup>1</sup> and his intervention could modify the law only indirectly. The consul probably could make legal decisions, but would only do so on appeal. Both passages suggest that appeal to the tribunes was common in civil litigation, and the second provides further evidence for appeal to the consuls.

We have so far spoken only of appeals in the city of Rome. Here the process would be simpler than elsewhere, for the consuls, the tribunes and the other praetors were normally available on the spot to veto the action of the urban praetor. It may be asked whether *auxilium* might not be given at greater range, to litigants who appealed from Italy and the provinces.

In Italy all important cases had to go *ab initio* to the urban praetor at Rome. The municipal magistrates had in general jurisdiction only in minor cases, when the sum at issue was less than 15,000 sesterces.<sup>2</sup> In these cases there was presumably an appeal from one municipal magistrate to another. But it also seems to have been possible for a litigant to obtain a *revocatio Romae*. This is implied in a clause preserved in the *Fragmentum Atestinum*<sup>3</sup> which is probably part of the *Lex Rubria* whereby the jurisdiction of the magistrates of all newly enfranchised communities of Transpadane Gaul was regulated. The clause is retrospective, and lays down that in any private suit, whatever the amount involved, in which a duovir, or other person vested with jurisdiction by law, treaty, *senatus consultum* or custom, possessed *iurisdictio* before the *Lex Roscia*, the present law should not have the effect 'quo magis privato Romae revocatio sit quove minus quei ibei iuri dicundo praerit de ea re ius dicat'. This apparently means that cases already initiated under the local magistrates, when the towns were still Latin communities and therefore judicially independent, were to be carried to their conclusion by the local magistrates. And it implies that in the future, it would be possible for a litigant in a case initiated before a local magistrate of a Roman *municipium* to obtain *Romae revocatio*.

In a province the only magistrates possessing *iurisdictio* were the governor and those to whom he delegated his powers — normally his legates and his quaestor, sometimes also his *praefecti*. An appeal would naturally lie from these delegates to their chief, but, as Cicero remarks in the *Verrines*, there was no very practicable remedy against a 'praetor improbus, cui nemo intercedere pos-

<sup>1</sup> Pomponius (Dig. I. ii. 2. § 34) states that the tribunes of the plebs, as well as the consuls, praetors and aediles, in civitate iura reddebant. But he also is probably only speaking of their indirect influence. When the tribunes were appealed to they might hold an enquiry (*cognoscere*) on the issue to determine whether to receive the appeal (see Asconius, in Mil. 41), and such *cognitiones*, which were put on record, might be cited as legal precedents. Such tribunician *cognitiones*, which might in effect decide a case, are mentioned under the Principate in Juvenal, VII. 228, Aulus Gellius XIII. 12, and apparently Tac. Ann. XIII. 28.

<sup>2</sup> *Lex Rubria* (Bruns, Fontes<sup>7</sup>. 16), cap. xxi, xxii.

<sup>3</sup> Bruns, Fontes<sup>7</sup>, 17.

sit', if he issued arbitrary decrees, pronounced inequitable *formulae* or appointed corrupt *iudices*.<sup>1</sup> In the provinces also, however, a litigant who took prudent precautions could secure a *revocatio* or *reiectio Romae*. It was not a right, it would seem. P. Scandilius, a Roman knight, instituted a *sponsio* against Apronius before Verres; objecting to the latter's choice of *recuperatores*, he demanded a *reiectio Romae* ('postulat abs te ut Romae rem reicias'), but Verres refused outright.<sup>2</sup> But in another case the litigant took precautions beforehand. L. Mescinius, Cicero's former quaestor, was heir to the estate of a deceased cousin, M. Mindius, a *negotiator* at Elis. Anticipating legal difficulties he got Cicero to write to Servius Sulpicius, the proconsul of Achaëa, asking him to expedite his affairs. In particular Cicero asks Sulpicius to send back to Rome (*Romae reieceris*) any troublesome opponents of Mescinius. Finally, he tells Sulpicius, "to enable you to do this with less hesitation, I have obtained a letter to you from the consul M. Lepidus, not to give you any orders ('non quae aliquid te iuberent'), for that I thought would not accord with your dignity, but if I may so put it, a letter of advice'.<sup>3</sup>

This letter gives a clue to the true nature of *Romae revocatio*. In asking for it a provincial litigant announced his intention of appealing from the proconsul to the consul at Rome, whose *imperium* extended to all provinces and was *maius* in relation to that of their proconsuls; for as Cicero remarks, 'omnes in consulis iure et imperio debent esse provinciae'.<sup>4</sup> A reasonable proconsul would no doubt usually allow the litigant to go to Rome and make his appeal, but as it was not physically possible for him to make the actual appeal except after a long delay, a stubborn proconsul would ignore his request and proceed with the trial. A litigant could only make sure of securing a *revocatio Romae* by approaching the consul beforehand, as Mescinius did through Cicero's agency, and getting from him a letter in which he informed the proconsul that he would give his *auxilium* if an appeal were made to him, and ordered him in that case to remit the case to Rome. This seems to have been the practice in the provinces. In Italy, it would appear, the *Lex Rubria* gave a statutory right to the litigant to obtain *Romae revocatio*: the local magistrates were in effect given standing orders to allow appeals to Roman magistrates.

There seems thus to have existed under the later Republic a rudimentary form of appeal. The appeal was made against the magistrate's acts *in iure*, against his *decreta* or the *formula* or the choice of *iudex*. In Rome, to judge by

<sup>1</sup> Cic. II Verr. II. 30.

<sup>2</sup> Cic. II Verr. III. 138.

<sup>3</sup> Cic. ad Fam. XIII. 26. Cicero would surely not have so elaborately explained that the consul's letter was not in this case a command unless consular commands to proconsuls had been normal practice in such circumstances. Proconsuls no doubt often resented such interventions, which might be regarded as reflections on their probity; hence Cicero's laboured apology to his honoured — and perhaps touchy — friend.

<sup>4</sup> Cic. Phil. IV. 9.

the number of cases which occur in our very limited body of evidence and by way in which the procedure is taken for granted both in these cases and in more general allusions to litigation, appeal was quite a common practice. In some cases the appeal was purely cassatory, but in others it caused the magistrate against whom the appeal was made to revise his decision. And in some cases it is probable that the magistrate to whom the appeal was made substituted a new decision for that which he vetoed. In Italy appeals from the local magistrates to the magistrates at Rome were apparently guaranteed by statute. In the provinces the appeal was less developed. A litigant could ask leave to appeal to the consuls, and the average proconsul would probably give him leave. But a proconsul could only be forced to allow an appeal by application in advance to the consuls.

### *Civil Appeals in the Principate*

Civil appeals to the emperor, both from Italy and the provinces, were already very common under Augustus. So common were they that, according to Suetonius, Augustus was unable to deal with them personally, but regularly each year delegated this appellate jurisdiction, assigning provincial appeals to men of consular rank specially appointed to deal with cases from each province, and those of *urbani litigatores* to the urban praetor.<sup>1</sup> Nero, according to Tacitus, ruled in A. D. 60 that those who appealed from private judges to the senate, should incur the same pecuniary risk as those who appealed to the emperor.<sup>2</sup> This statement shows that the emperors had already protected themselves against a deluge of frivolous appeals by demanding a *poena appellationis*, that is a deposit which was forfeited if the appeal was rejected.<sup>3</sup> Secondly it proves that appeals might at this date — and probably from the beginning of the Principate — be made either to the emperor or to the consuls; for, as only a magistrate could possess jurisdiction, the senate in this context must mean the consuls using the senate as their *consilium*.

The constitutional basis of these appeals is most naturally explained by the Republican precedents discussed above. The consuls had under the late Republic received appeals from the urban praetor and from proconsuls, and they continued to do so. Augustus, in virtue of the *consulare imperium* which he received in 19 B. C.,<sup>4</sup> and his successors after him, had all the powers of the consuls, and therefore could like them receive appeals from the praetor and from

<sup>1</sup> Suet. Aug. 33. 3.

<sup>2</sup> Tac. Ann. XIV. 28.

<sup>3</sup> Paulus, Sent. V. 35.

<sup>4</sup> I have endeavoured to prove this in 'The Imperium of Augustus', JRS 1951, 112—19. Those who are unconvinced by this article need not necessarily reject my argument here. For even if Augustus received no formal grant of consular imperium, it is abundantly clear that he exercised an imperium indistinguishable from that of the consuls in Rome and Italy (see the examples quoted in my article, pp. 117—8).



proconsuls. They furthermore as proconsuls of their own group of provinces received appeals from the *legati* to whom they mandated their jurisdiction in them. All appeals from the imperial provinces would thus naturally be made to the emperor. Appeals from Italy and the public provinces might constitutionally be made either to the emperor or to the consuls. Nero, indeed, on his accession announced, 'consulum tribunalibus Italia et publicae provinciae adsisterent', and his words probably allude to appeals among other things: Suetonius' statement that he ruled, 'ut omnes appellationes a iudicibus ad senatum fierent,' may well be an exaggerated version of the same announcement.<sup>1</sup> But this was not a ruling on constitutional law, but a statement of policy. In fact most litigants preferred the emperor, and Augustus, as we have seen, did receive appeals from Italy and from the provinces in general — Suetonius makes no distinction, and in fact most appeals would have come from the public provinces, where Roman citizens were numerous, and relatively few from the imperial provinces, where they were scarce.

The increased volume of appeals must be put down to the policy of Augustus. It must be presumed that he made it known to the public, by edict or more informally, that he and the consuls were willing to receive appeals. He no doubt definitely instructed his *legati* to allow appeals from themselves to him, and his *auctoritas*, backed by his *maius imperium*, will have been sufficient to make proconsuls yield to any litigant who expressed a wish to appeal from themselves to Augustus or the consuls. So far no constitutional or legal innovation need be assumed except the grant of *consulare imperium* to Augustus. The change is only one of practice, that the volume of appeals increases and the right of appeal becomes automatic, and this change is achieved by Augustus through his *auctoritas*.

What is to all appearances novel is that the appeals to the senate come from *iudices* and no longer from magistrates. There can be little doubt that when Tacitus speaks of *privati iudices* (and Suetonius of *iudices*) he means the *privati iudices* of the formulary procedure, and not *iudices extra ordinem dati*. It is true that in the early Principate, as will be recorded later, the emperor, the consuls and certain special praetors had begun to try exceptional cases, or special categories of cases, like *fideicommissa*, by the process of *cognitio*. It may be that they already had so much jurisdiction of this kind brought to them that they sometimes delegated a case to a *iudex extra ordinem datus*, whose sentence was appellable. It is also probably true that in the provinces *cognitio* was employed more freely: even under the Republic a provincial governor was apparently entitled to reserve cases for his personal *cognitio*,<sup>2</sup> and he may have delegated

<sup>1</sup> Tac. Ann. XIII. 4, Suet. Nero 17.

<sup>2</sup> Though the formulary procedure was normal in Sicily for all civil cases, whether between Romans or peregrini, Verres tried two inheritance cases himself by *cognitio* (Cic. II Verr. II. 19—20, 25—6), and since Cicero does not protest, he was evidently within his

some *extra ordinem* to *iudices*. But it seems very unlikely that by the time of Nero — or even by that of Trajan, assuming that both Tacitus and Suetonius are being anachronistic — *cognitio* and the appointment of *iudices extra ordinem dati* can have been a regular practice, particularly in Italy and the public provinces, to which their remarks primarily refer. Gaius, writing under Antoninus Pius, assumes that the formulary procedure is invariably followed, save for such exceptional matters as *fideicommissa*.<sup>1</sup> In his Institutes he is writing primarily about the praetor's court at Rome, but in the occasional references which he makes to provincial procedure, he assumes it to be the same;<sup>2</sup> and enough of his work on the Provincial Edict survives to indicate that the procedure which Gaius there described was the formulary.<sup>3</sup> In some provinces, it is true, *cognitio* seems to have been prevalent; the papyri have revealed few if any examples of the formulary procedure in Egypt, despite the fact that the prefect had the jurisdiction of a Roman magistrate.<sup>4</sup> But it was probably in the more recently acquired imperial provinces that the new procedure prevailed. Under the Republic the formulary procedure had been generally used, in the provinces, both for Romans and for *peregrini*, and in the provinces which dated back to the days of Republic — that is in all the public and some of the imperial provinces — it probably survived.

Tacitus' words must then mean that in Nero's reign appeals to the senate (and by implication to the emperor also) were normally made not from the magistrate *in iure* but from the *iudex*. Suetonius' description of the way in which Augustus handled appeals implies that this was already the rule in his reign. Augustus, he says, regularly each year delegated the appeals of *urbani litigatores* to the urban praetor. The term *urbani litigatores* probably covers Italy as well as Rome itself, for Suetonius contrasts them with provincial litigants, and all Italy fell within the jurisdiction of the urban praetor. The appeals in question might therefore come from municipal courts, but as they were only competent to deal with minor cases, it is unlikely that many did. Any major suit had to come before the praetor at Rome, and if the appeal were made *in iure* it would be against the praetor's own ruling. It would have been a mockery for Augustus

rights as far as procedure went. Both cases concerned peregrini, but there is no reason to think that a governor could not exercise *cognitio* in cases between Romans.

<sup>1</sup> Gaius, II. 278.

<sup>2</sup> Gaius, IV. 109.

<sup>3</sup> It may be noted that in this work he alludes to appeals from *iudices* (Dig. II. viii. 9).

<sup>4</sup> Tac. Ann. XII. 60, 'nam divus Augustus apud equestris qui Aegypto praesiderent lege agi decretaque eorum proinde haberi iusserat ac si magistratus Romani constituissent': their jurisdiction even included manumission (Dig. XL. ii. 21, 'apud praefectum Aegypti possum servum manumittere ex constitutione divi Augusti'). I do not fully understand why P. Mich. III. 159 (= Riccobono, Fontes<sup>2</sup>, III. 64) should not be regarded as a trial under the formulary procedure; and in BGU 114 (= Riccobono, Fontes<sup>2</sup>, III. 19) the prefect in saying ἐκ τῶν τοιοῦτων αἰτιῶν κριτὴν οὐ δίδωμι, appears to be acting under the same procedure.

to delegate to the urban praetor, as a standing rule, the trial of appeals made to him against the praetor's own decisions. Augustus' conduct is scarcely intelligible unless the appeals which came to him were against *privati iudices* given by the praetor, not against the praetor himself.

If the *iudex* had been inappellable under the Republic, this was a striking innovation. Some modern authorities have taken it as such, and have sought to explain it by the power 'to judge on appeal' (ἐκκλητηον δικάζειν) given to Octavian in 30 B. C.<sup>1</sup> This power, as will be argued later, was probably concerned with *provocatio* in capital cases. It cannot be the explanation of civil appeals from *privati iudices* to the senate; for it was a personal grant to Octavian.

It is, however, by no means as certain as would appear from the modern legal textbooks that the judgment of a *privatus iudex* was inappellable under the Republic. No ancient author asserts that this was the case, and the doctrine is in fact based purely on an argument from silence.<sup>2</sup> No appeals are recorded from the judgments of *iudices* whereas we hear of several appeals from the proceedings of magistrates. This is a rather flimsy basis for what has become a central doctrine of Roman law. In so far as the argument from silence is worth anything, it applies only to trials held in Rome itself, where our evidence is relatively abundant. Here it may be argued with some plausibility that had it been possible to appeal from a *iudex* Cicero would have alluded to such appeals. For trials in the provinces, or for that matter in Italy, our information is so slight that no negative conclusions can be drawn from it.

Gaius draws a distinction between *iudicia quae legitimo iure consistunt*, for short *legitima iudicia*, and *iudicia quae imperio continentur*.<sup>3</sup> The former class comprise trials before a single *iudex* between Roman citizens in Rome or within one mile, the latter all other trials. It is not clear from Gaius' words, or from the examples which he gives, in which class *iudicia* held in Italy outside Rome would fall. The words he uses are 'iudicia quae in urbe Roma vel intra primum urbis Romae miliarium inter omnes cives Romanos sub uno iudice accipiuntur', which might equally well mean cases which were initiated at Rome, or were tried at Rome. On the former alternative, since the proceedings *in iure* in all cases took place before the praetor at Rome, all Italian suits would be *legitima*. On the latter alternative, when the proceedings before the *iudex* took place outside Rome, as they well might when the case concerned parties domiciled in an Italian town, an Italian suit would be *imperio continens*. As examples he

<sup>1</sup> This is apparently the view advanced by Perrot, *L'appel dans la procédure de l'ordo iudiciorum*, Paris, 1907 (not accessible to me), cited by Jolowicz, *Historical Introduction to Roman Law*<sup>2</sup>, 576.

<sup>2</sup> I have found no reference given for the doctrine in any textbook of Roman law. Mommsen (*Staatsrecht*<sup>3</sup>, I. 272, note 2) can argue only from silence.

<sup>3</sup> Gaius IV. 103—9.

quotes the two extremes, Rome or the provinces, leaving Italy ambiguous, but his wording ('si... in provinciis agatur' or 'si Romae apud recuperatores agamus') suggests that he regards the place of the actual *iudicium* as being decisive.

Gaius cites two ways in which these two types of *iudicia* differ. In the first place *iudicia legitima* were extinguished unless brought to a conclusion within eighteen months: this time limit was imposed by the *lex Iulia iudiciaria*, and it is to be inferred that there had before that law been none. *Iudicia quae imperio continentur* on the other hand were extinguished when the *imperium* of the magistrate who ordered them came to an end. The implication of this rule is that the authority of the *iudex* in this type of *iudicium* was derived from the *imperium* of the magistrate, and only lasted so long as the magistrate continued to hold his *imperium*. In a *iudicium legitimum*, on the other hand, the authority of the *iudex* is quite independent of the *imperium* of the praetor, and rested on a *lex*, presumably the *lex Aebutia*, which legalised the formulary procedure. In the second place decisions of *iudicia legitima*, if the *formula* were framed according to the *ius civile*, were *ipso iure* final; the same issue could not be tried again. The decisions of *iudicia quae imperio continentur*, on the other hand, were not in strict law final: the praetor only made them so by granting an *exceptio rei iudicatae vel in iudicium deductae*, thus maintaining them by his *imperium*.

These distinctions suggest that there may have been a constitutional difference between trials at Rome and those elsewhere. At Rome the *iudex* held his authority by *lex*, his judgment was legally final. Outside Rome his authority was derived from the *imperium* of the magistrate who appointed him and his judgment was only final in so far as the magistrate maintained it. Gaius has nothing to say here or elsewhere on the subject of appeal, but it might reasonably be conjectured that, while the *iudex* judging between Roman citizens at Rome was inappellable, the *iudex* elsewhere, or when a *peregrinus* was involved, seeing that he derived his authority from a magistrate, was like the magistrate himself subject to *appellatio*.

If this suggestion be accepted, no constitutional change need be postulated. In Rome itself the *iudex* will have been inappellable under the Republic, and have remained so under the Principate: we have no evidence that he was not. Appeals from *privati iudices* in the provinces and in Italy will have been legal under the Republic but probably rare owing to practical difficulties. Under the Principate they will have become commoner because Augustus encouraged appeal in general. Appeals from *iudices* would in the normal course go to the magistrate from whom they derived their authority, in Italy to the praetor, in a province to the governor or his delegates. There was however no constitutional reason why a litigant should not appeal to another magistrate with *maior potestas*; as Paulus says, '*iudicium solvitur vetante eo qui iudicare iusserat*

vel etiam eo qui maius imperium in ea iurisdictione habeat'.<sup>1</sup> Later emperors discouraged provincial litigants from bypassing the governor and appealing directly to themselves,<sup>2</sup> but in the early Principate, before appellate jurisdiction became regular and systematic, they may well have been more willing to take appeals direct from *iudices*. Indeed if their object was, partly at any rate, to check injustice by provincial governors, it would have been foolish to insist on all appeals coming through them. In Italy Augustus by delegating appeals to the urban praetor redirected them to the magistrate to whom they would have appropriately gone in the first place: the praetor, judging at Rome under his own eye, was unlikely to take liberties with the law.

### *The Primary Civil Jurisdiction of the Emperors and the Consuls*

It has already been argued that the consuls always retained their power of jurisdiction, though after the creation of the praetorship they ceased to exercise it regularly, perhaps only when appealed to from the praetor. When Augustus in 19 B. C. received the *consulare imperium* he acquired a power of jurisdiction like that of the consuls. He not only used it regularly in appellate jurisdiction, but, it would seem, occasionally in the first instance. The scanty evidence suggests that he did not take cases when the praetor could furnish a remedy by the *ordinarium ius*, but used his jurisdiction to supplement or modify the *ordinarium ius* when it seemed to him to be inequitable or contrary to public policy. Valerius Maximus cites two judgments of Augustus which appear to have been given in the first instance.<sup>3</sup> In one he gave possession of his father's inheritance to a son who had been disinherited as an infant, although his father had lived in matrimony with his mother till the day of her death (presumably in childbirth).<sup>4</sup> In the other a widow had married an old man when herself beyond the age of childbirth and cut her two sons by her former marriage out of her will: Augustus not only quashed the will, but compelled the second husband to refund the dowry.<sup>5</sup> These decisions, which go beyond the law, were evidently dictated by the same social policy which inspired the *lex Iulia de maritandis ordinibus*.

Augustus also intervened to give legal sanction to *fideicommissa*, but here he seems to have made use of the dormant jurisdiction of the consuls. The story

<sup>1</sup> Dig. V. i. 58.

<sup>2</sup> Rescript of Marcus and Verus, Dig. XLIX. i. 21. pr. and § 1.

<sup>3</sup> Valerius Maximus does not suggest that these cases arose by appeal from the praetor's decision, and indeed it is difficult to believe that the injured parties would have approached the praetor, as under the *ius ordinarium* they had no possible claim. Augustus' decisions may well have formed precedents for the later *querela inofficiosi testamenti*. Claims under this heading were not decided *extra ordinem*, but by the centumviral court (Pliny, Ep. V. 1, Dig. V. ii. 13, 17) under the fiction that the testator was not of sound mind (Dig. V. ii. 2, 5).

<sup>4</sup> Val. Max. VII. vii. 3.

<sup>5</sup> Val. Max. VII. vii. 4.

is told in Justinian's Institutes.<sup>1</sup> A certain L. Lentulus died in Africa, leaving *codicilli* in which he requested Augustus himself *per fideicommissum* to make certain dispositions of his property. Augustus, after taking the advice of jurisconsults, decided to regard the *codicilli* as a valid will, and executed the *fideicommissa*: Lentulus' daughter, encouraged by his example, also carried out the *fideicommissa* enjoined upon her by her father. So far Augustus had been acting merely as a private citizen, though naturally his *auctoritas* carried great weight. Later other cases arose in which Augustus, though not himself asked to execute the *fideicommissa*, was moved to intervene either out of personal regard for the injured parties, or by the fact that the testator had adjured the heir by the emperor's safety, or merely by the notorious bad faith of the heir. In these cases, according to Justinian, he ordered the consuls to interpose their authority ('iussit consulibus auctoritatem suam interponere'). Suetonius gives a slightly different picture when he states that before Claudius the jurisdiction on *fideicommissa* was normally delegated to magistrates in Rome,<sup>2</sup> implying that Augustus himself held the new jurisdiction but delegated its exercise to the consuls. Claudius definitively assigned it to the consuls and to two special *praetores fideicommissarii* at Rome, and extended it to the provinces, where the provincial governor exercised the jurisdiction.<sup>3</sup>

Another quasi-judicial function which the consuls acquired during the Julio-Claudian period was the appointment of tutors. The regular procedure under the *Lex Atilia* was not altogether satisfactory, and Claudius enacted that tutors might be appointed *extra ordinem* by the consuls.<sup>4</sup> No further specific cases are known, but in one way or another the consuls acquired considerable judicial functions. Towards the end of Augustus' reign Ovid already regards jurisdiction as one of the prominent functions of a consul, and Suetonius distinguishes Claudius' judicial work as consul and when not holding that office<sup>5</sup>. Much of this consular jurisdiction was no doubt appellate.

Both the emperor and the consuls exercised their primary jurisdiction only in cases which were not covered by the *ius ordinarium* or where its operation was unsatisfactory or inequitable. Seeing that their jurisdiction was thus *extraordinaria*, they were not bound to observe the cumbrous procedure of the *ordo*, but could employ the simpler and more expeditious *cognitio*. In one of the two testamentary cases which Augustus took he is said to have decreed a *missio in bona* by *decretum* as the praetor might have done if the case had been

<sup>1</sup> II. 23. § 1 and 25. pr.

<sup>2</sup> Suet. Claud. 23. 1.

<sup>3</sup> For the special praetors see Pomponius in Dig. I. ii. 2. § 32; for the jurisdiction of the consuls and provincial governors, Gaius, II. 278, Ulpian, Reg. XXV. 12. Quintilian (III. vi. 70) shows that application was made directly to the consul or praetor at Rome.

<sup>4</sup> Suet. Claud. 23. 2, cf. Just. Inst. I. 20. § 3.

<sup>5</sup> Ovid, ex Ponto IV. v. 17, ix. 43, Suet. Claud. 14.

covered by the edict.<sup>1</sup> In the other he is by implication spoken of as holding a *cognitio*.<sup>2</sup> The consuls' jurisdiction on *fideicommissa* was certainly exercised by *cognitio*,<sup>3</sup> and in general the terms *cognoscere* and *cognitio* are always used of the emperor's jurisdiction.<sup>4</sup> It seems likely that *cognitio* was employed also in the appellate jurisdiction of the emperor and the consuls.

### *The Capital Jurisdiction of the Emperor and the Senate*

In civil jurisdiction, I would submit, there was no sharp break in theory between the later Republic and the early Principate. No new forms of jurisdiction were created by legislative enactment. A new judge did appear in the person of the emperor, but his power of jurisdiction arose out of the consular *imperium* with which he was invested. In practice Augustus did innovate, it would seem, by resuscitating the apparently dormant primary consular jurisdiction both in his own person and in that of the consuls. He also greatly extended the consular appellate jurisdiction, which was probably rarely exercised in the Republic, and here again he not only exercised this jurisdiction himself, but encouraged the consuls, using the senate as their *consilium*, to do likewise.

In capital jurisdiction on the other hand, a sharp break appears between the later Republic and the Principate. Under the later Republic the only authority competent to pass a capital sentence on a Roman citizen was a *iudicium publicum*, one of the jury courts at Rome established by a series of statutes and consolidated under *leges Corneliae* of Sulla.<sup>5</sup> The *imperium* of the magistrates was inhibited by the right of *provocatio*, which by now applied everywhere and in all circumstances, in the provinces as in Italy and Rome, in war as in peace.<sup>6</sup> It is difficult to conceive how the courts at Rome can have handled all criminal cases arising throughout the empire, and it has been conjectured that *de facto* many criminals must have been executed summarily, both in Rome by the magistrates and in the provinces by the governors, if their guilt was regarded

<sup>1</sup> Val. Max. VII. vii. 3, 'Divus Augustus in bona paterna ire decreto suo iussit'.

<sup>2</sup> Val. Max. VII. vii. 4, 'si ipsa aequitas hac de re cognosceret, possetne iustius aut gravius pronuntiare'.

<sup>3</sup> Ulpian, Reg. XXV. 12, Dig. L. xvi. 178; Quintilian, Inst. Or. III. vi. 70.

<sup>4</sup> Suet. Aug. 93, Claud. 15, Nero 15, Dom. 8. 1. The anecdote told in Claud. 15 is particularly interesting. Claudius proposes to try a case, the defendant objects that it is not 'cognitionis rem sed ordinarii iuris', thus implying that the imperial jurisdiction always takes the form of *cognitio*, and furthermore that such *cognitio* is improper in cases where the *ius ordinarium* is applicable.

<sup>5</sup> There is a mysterious allusion in the *lex Iulia Municipalis* (Bruns, Fontes<sup>7</sup>, 18, line 119) to municipal *iudicia publica* ('queive in eo municipio colonia praefectura foro conciliabulo quous erit iudicio publico condemnatus est erit'), but it is scarcely possible to believe that a municipal court had capital jurisdiction.

<sup>6</sup> See my article, 'I appeal unto Caesar', in *Studies presented to David M. Robinson*, pp. 918—9.

as manifest or they could be induced to make a confession. But the law was explicit, and was reaffirmed in the most stringent terms by a *lex Iulia de vi publica*. It is cited in slightly variant forms by Paulus<sup>1</sup> and by Ulpian,<sup>2</sup> and enacted the death penalty against anyone who, possessing any *imperium* or *potestas*, executed, flogged, tortured or put in bonds any Roman citizen 'adversus provocationem' (Ulpian) or 'antea ad populum nunc ad imperatorem appellantem' (Paulus).

In spite of the *lex Iulia de vi publica* we have indubitable evidence that under the Julio-Claudians both the emperor and the senate tried capital cases and passed and executed death sentences without any hint of *provocatio*. Both forms of trial appear in the Annals as well established at the beginning of Tiberius' reign, and it is hardly necessary to cite the abundant evidence. It may suffice to recall the preliminaries to the trial of Piso, which illustrate the relations of the imperial and senatorial courts and the *iudicia publica*.<sup>3</sup> One of the accusers, Fulcinus Trio, lodged a charge of murder against Piso before the consuls (who, as is generally admitted, were legally the judges, using the senate as their *consilium*). Other accusers, including Vitellius and Veranius, objected that they had a better claim to prosecute the case, but soon joined forces with Trio. Tiberius was then asked (presumably by the combined accusers, Trio having withdrawn his charge before the consuls) to take the case. Piso for his part, according to Tacitus, did not object ('quod ne reus quidem abnuebat') as he hoped for a fairer trial from the emperor. Tiberius, however, having held an informal preliminary hearing, sent the case back to the senate without taking any action ('integramque causam ad senatum remittit'). In the senate he opened the proceedings by a speech in which he claims as the only special concession ('super leges') to Germanicus' memory that his death should be investigated 'in curia potius quam in foro, apud senatum quam apud iudices', that is, in the regular *quaestio de sicariis et venificis*.

From this account it appears that the normal court for murder cases was the *iudicium publicum*, but that accusers could ask either the consuls or the emperor to take a case. The emperor — and presumably the consuls also — could either refuse or accept the charge. Tacitus' words might be taken to mean that the consent of the accused was required for trial before the emperor or the senate, but no such right is elsewhere mentioned, and Tacitus probably merely means that Piso was not sorry that he would be tried by Tiberius, not that he did not lodge a formal objection. The new procedure was generally employed in cases which concerned persons of high rank, especially senators, or were of political importance: charges of *maiestas* and *res repetundae* tended to come before the senate.

There is not much evidence for the new procedure under Augustus. When

<sup>1</sup> Sent. V. 21. 1.

<sup>2</sup> Dig. XLVIII. vi. 7.

<sup>3</sup> Tac. Ann. III. 10 and 12, cf. also II. 79.



in 21 A. D. Silanus, proconsul of Asia, was about to be tried before the senate for extortion, Tiberius ordered the *libelli* of Augustus on Volesus Messala, proconsul of Africa about 12 A. D., and the *senatus consultum* passed against him, to be read<sup>1</sup>. Tacitus also informs us that Augustus first employed the law of *maiestas* to punish libel in the case of Cassius Severus, who, he tells us elsewhere, was banished to Crete by the judgment of the senate under oath.<sup>2</sup> Ovid's complaint to Augustus,<sup>3</sup>

"nec mea decreto damnasti facta senatus  
nec mea selecto iudice iussa fuga est",

implies that by A. D. 8 a trial before the senate was a normal alternative to a *iudicium publicum*. It is usually held that the *senatusconsultum Calvisianum* of 4 B. C.,<sup>4</sup> whereby provincials who wished to obtain monetary compensation, without bringing a capital charge against the magistrate concerned, could prosecute by a special procedure before the senate, proves that capital cases could not yet at this date be heard by the senate. The argument does not appear to be conclusive, for it is possible that it was only the new simplified procedure, and not a trial in the senate, which was excluded in capital cases. There is however no earlier evidence for senatorial trials than that of Ovid, which implies that it was well established by A. D. 8.

Trials before Augustus personally are less well attested. There are two or three undated anecdotes in Suetonius. In one Augustus, trying a man for parricide, endeavours by a leading question to induce him not to confess the crime, to avoid having to impose the penalty of the sack. In the other he is trying the case of a forged will, and to prevent all the witnesses being punished as the *lex Cornelia* directed, gave out to those who were assisting in the trial ('simul cognoscentibus') not only tablets of acquittal and of condemnation but a third granting pardon to witnesses who had affixed their seals in error.<sup>5</sup> Suetonius' language is not very clear, but he can hardly mean that Augustus was intervening in a normal trial before a *quaestio*: he seems rather to be conducting a *cognitio* himself, with the assistance of his *consilium*, whose votes he collects. Finally there is an anecdote recorded by Dio under A. D. 10. Here a quaestor, accused of murder, persuades Germanicus to speak on his behalf: his accuser asks Augustus to take the case himself, fearing Germanicus' influence over the regular jurors in the *iudicia publica*, but Augustus refuses.<sup>6</sup> This evidence is not in itself impressive, but the fact that Tiberius, who clung so firmly to Augustan precedent, was prepared to take Piso's case shows that the imperial criminal jurisdiction must have been established under Augustus.

Trial of capital cases by the emperor or by the consuls was a startling innovation. In the late Republic the right of the consuls, even when supported by the *senatusconsultum ultimum* in a time of civil commotion, to execute Roman

<sup>1</sup> ib. III. 68.

<sup>2</sup> ib. I. 72 and IV. 21.

<sup>3</sup> Ovid, *Tristia*, II. 131—2.

<sup>4</sup> SEG IX. 8. v.

<sup>5</sup> Suet. Aug. 33, 51.

<sup>6</sup> Cassius Dio LVI. 26.

citizens without *provocatio* was hotly contested. And since the last test case in 63 B.C. the principle of *provocatio* had been emphatically reasserted by the *lex Iulia de vi publica*. It is inconceivable that Augustus can have himself assumed this jurisdiction, or allowed the senate to assume it, without statutory authority, and one must postulate a law conferring capital jurisdiction on the consuls and the emperor. This capital jurisdiction was exercised under the same statutes which governed the *quaestiones*, the *leges iudiciorum publicorum*. In all the many senatorial and the fewer imperial trials recorded by Tacitus and Pliny the offence is always one of those defined in the statutes, usually *maiestas* or *res repetundae*, but also others such as *falsum* or *adulterium* or murder. The trial is conducted according to the terms of the statutes, even if these were sometimes enlarged by interpretation, as when libel was brought within the definition of *maiestas*<sup>1</sup>. The penalties were also those of the laws, though the senate claimed the right 'mitigare leges vel intendere'.<sup>2</sup> It certainly did not always exact the full statutory penalty, which was in most cases death: and in so far as it actually exacted the death penalty, it may be said to have made the laws more severe, in that it had under the later Republic been so long customary to allow a condemned man to go into exile that this probably was regarded as the normal 'poena legis'.<sup>3</sup>

The clue to the new jurisdiction of the consuls and the emperor under the *leges iudiciorum publicorum* is, I suggest, to be found in a passage of Papinian,<sup>4</sup> where he condemns the impropriety of 'magistratus qui cum publici iudicii habeant exercitationem lege vel senatus consulto delegatam veluti legis Iuliae de adulteriis vel quae sunt aliae similes, iurisdictionem suam mandant,' and cites as evidence for his view 'quod lege Iulia de vi nominatim cauetur ut is cui optigerit exercitio possit eam si proficiscatur mandare' (and therefore, he argues, in no other circumstances). The *lex Iulia de vi* apparently laid down rules governing the conduct of magistrates to whom had been granted 'publici iudicii exercitio'. These can hardly be the praetors or *iudices quaestionum* who presided over the courts at Rome, but must be other magistrates who have obtained special authority to exercise the criminal laws. This at any rate was the interpretation put upon the law by Papinian, who is arguing "quaecumque specialiter lege vel senatusconsulto vel constitutione tribuuntur, mandata iurisdictione non transferuntur".

<sup>1</sup> Tac. Ann. I. 72.

<sup>2</sup> Pliny Ep. IV. 9. 17. cf. II. 11. 2.

<sup>3</sup> Levy (Sb. Ak. Heidelberg, Phil. Hist. Kl., 1930—1, Abh. 5) has demonstrated that in the *leges Corneliae* the penalty remained technically death, and it may well be doubted whether, despite Cic. Phil. I. 23, Caesar's laws on *vis* and *maiestas* made any formal change. The occasional attempts to justify the milder penalty of *aquae et ignis interdictio* as being that of the laws (Tac. Ann. III. 50, XIV. 48) were probably based rather on the invariable Republican interpretation of the laws than on their text.

<sup>4</sup> Dig. I. xxi. 1.

We do not know upon which magistrates the *lex Iulia* conferred *exercitio iudicii publici*, but if the list opened with the consuls or those invested with consular *imperium*, the criminal jurisdiction of the emperor and the senate would be explained. I have argued elsewhere<sup>1</sup> that proconsuls are attested to have possessed authority to try Roman citizens without appeal for *crimina iudiciorum publicorum* in the last decade of the first century, and it is possible that they too were granted this jurisdiction by the *lex Iulia*. There is no evidence that *legati Augusti pro praetore*, the prefect of Egypt, or procurators acquired criminal jurisdiction over Roman citizens till a much later date. It would be more in accord with constitutional propriety if the original grant had been made to the consuls and others holding a consular *imperium*, that is the emperor and proconsuls. The language of Papinian suggests that the original list, laid down by the *lex*, was extended by *senatus consulta*, and ultimately by imperial constitutions. We are told by Ulpian that Caracalla authorized even procurators who governed no province to try cases under the *lex Fabia de plagiariis* and the *lex Iulia de adulteriis*<sup>2</sup>.

It may be also that the *lex Iulia* laid down rules for the conduct of trials. The consuls in fact always held trials before the senate, whose vote seems to have been binding upon them. It is possible that proconsuls were also required to constitute a jury of Roman citizens, by whose verdict they had to abide. One of Augustus' Cyrenaeen edicts reveals that in that province the proconsul might try capital charges against *peregrini* either by personal *cognitio* or by a jury court (συμβούλιον κριτῶν)<sup>3</sup>. Another reveals that this jury court was drawn from Roman citizens possessed of 2500 denarii or more<sup>4</sup>. The edicts concern only the trials of *peregrini*, and it has generally been assumed that the jury court existed only for their trial and that Romans were not subject to the capital jurisdiction of the proconsul. The wording, however, might be held to support the opposite view. Augustus advises the proconsul to enrol an equal number of Greeks on the panel from which jurors are to be drawn "in the capital cases involving Greeks" (ἐν τοῖς θανατηφόροις τῶν Ἑλλήνων κριτηρίοις), and to constitute a jury half of Romans and half of Greeks if "a Greek accused" (Ἑλλήν κρινόμενος) so desires. It would seem unnecessary to insert the word "Greek" in these two places if the court dealt with Greeks only, and it may well be that it was empowered to try Romans also. The existence of jury courts of this type, modelled on the *iudicia publica* of Rome, is attested nowhere else in our sources. They may have been an innovation introduced by the *lex Iulia de vi*, intended primarily to try capital charges against Romans under

<sup>1</sup> See my article cited above p. 478, n. 6, p. 921. The test cases are Pliny. Ep. II. 11 and X. 58.

<sup>2</sup> Collatio, XIV. iii. 2—3.

<sup>3</sup> SEG IX. 8. iv.

<sup>4</sup> SEG IX. 8. i.

the *leges iudiciorum publicorum*. They do not seem to have had a long life, being superseded by the *cognitio* of the governors.<sup>1</sup>

If my reconstruction be accepted, the *lex Iulia de vi publica*, at the same time that it reaffirmed the Roman citizen's right of *provocatio*, greatly limited its scope by extending capital jurisdiction under the *leges iudiciorum publicorum*, against which there was no *provocatio*. Hitherto exercised only at Rome by the *quaestiones*, it was now granted to a wider group of magistrates and promagistrates both in Rome and in the provinces. The rights of Roman citizens were safeguarded by various provisions. In the first place it was only for the *crimina iudiciorum publicorum*, the offences defined by the statutes, that they could be tried; they were still protected by *provocatio* against the *coercitio* of magistrates. Secondly this right of capital jurisdiction over Roman citizens was conferred on a very select group of magistrates, and being a special grant could not, like the regular *imperium*, inherent in their office, be delegated by them to others; in fact the *legati* of proconsuls never exercised this special jurisdiction<sup>2</sup>. Thirdly, it is at any rate possible that the magistrates to whom the jurisdiction was granted were required to try cases before some form of jury, the consuls using the senate as such, proconsuls specially constituted courts drawn from resident Romans of a certain age and census.

One object of the law is plain. Even under the late Republic, as has already been remarked, the concentration at Rome of capital jurisdiction over all Roman citizens throughout the empire must have given rise to great delays and difficulties in so far as the law was observed, and probably led to its being frequently overridden. By the time of Augustus the situation must have become unmanageable owing to the great extension of citizenship in the provinces. Provincial governors had no longer to deal merely with *negotiatores* and such other Romans as had on their own initiative domiciled themselves in the provinces, and with the few provincials who had received personal grants of citizenship. Many provinces now contained a considerable number of Roman colonies and *municipia* whose whole population were citizens. It must have become impracticable to remit every criminal charge to Rome. The *lex Iulia de vi publica* solved this problem by giving limited criminal jurisdiction to proconsuls, if not all provincial governors. If the grant was limited to proconsuls, this would not have been unreasonable on practical as well as on constitutional grounds. For it was in the public provinces — notably in Baetica, Africa, Narbonensis, Macedonia and Achaëa — that the great bulk of Roman colonies and *municipia* were to be found.

This was probably the main problem which the *lex Iulia* was designed to solve. Why then were the consuls and emperor included? Constitutional

<sup>1</sup> It is fairly obvious that there was no jury in the capital cases judged by Marius Priscus (Pliny, Ep. II. 11).

<sup>2</sup> Dig. I. xvi. 6 pr., 11, xxi. 1. § 1, Cassius Dio, LIII. 14.

propriety may have had some influence here. If proconsuls were being granted a special extension of their *imperium*, it might well have been felt that a similar extension could not be denied to the consuls and the emperor, whose *imperium* was superior to theirs.

But at the same time it may have been thought useful to supplement the *quaestiones* at Rome by two more dignified courts, the consuls in the senate and the emperor in council, which would be available to deal with cases of political importance or involving persons of high degree. Augustus may well have felt the need of a court over which he could preside, or in whose deliberations he could intervene, to deal with such cases. At the trial of Primus before a *quaestio* he had, it will be remembered, been placed in an embarrassing position<sup>1</sup>.

There remains the problem of the change from *provocatio ad populum* to *appellatio ad Caesarem*. There was still ample scope for *provocatio* after the *lex Iulia de vi publica*, and the law envisaged its continued use. One of its clauses enjoined that no one should bind an accused person or prevent him from presenting himself at Rome within a fixed time<sup>2</sup>. This rule implies that an accused who exercised *provocatio* was required to present himself at Rome for trial, but it leaves obscure what form this trial would take. *Provocatio* might be made if a magistrate who did not possess *exercitio iudicii publici* tried or attempted to try a citizen on a charge arising under the *leges iudiciorum publicorum*. It would seem natural that in such a case the accused should be sent for trial before the appropriate *quaestio* in Rome. No instances are known of such a case arising. *Provocatio* might also be employed against the *coercitio* of magistrates. The laws defined a limited number of crimes, and there were many other offences for which magistrates inflicted capital penalties in virtue of the general power of *coercitio* inherent in their *imperium*. *Peregrini* had no protection against this arbitrary jurisdiction, but Romans could exercise their right of *provocatio*.

*Provocatio* in the early and middle Republic gave rise to a *iudicium populi*, a trial before the *comitia centuriata*. After Sulla no such trials are recorded, save that of Rabirius, where an archaic procedure was revived for political effect, and in view of the richness of our information on this period, it is probably legitimate to deduce that they had fallen into desuetude. This may mean that offences not covered by the *leges iudiciorum publicorum* went unpunished, or that the right of *provocatio* was often ignored. Under the Principate we find that citizens are in fact protected against the *coercitio* of magistrates, but that they appeal to Caesar, as did Paul, or even if they do not appeal they are

<sup>1</sup> Cassius Dio, LIV. 3.

<sup>2</sup> Dig. XLVII. vi. 8, 'lege Iulia de vi publica cavetur ne quis reum vinciat, impediative quominus Romae intra certum tempus adsit'.

remitted to Rome for trial by the emperor, or alternatively the magistrate refers their case to the emperor for him to confirm or annul the sentence.<sup>1</sup>

Here the emperor seems to have taken the place of the people as the ultimate arbiter of life and death. *Provocatio ad populum* has become *appellatio ad Caesarem*, and the emperor, instead of the people, decides whether to uphold the magistrate's sentence or not. This change again can hardly have come about without legislation. Among the honours stated by Dio to have been voted to Octavian after Actium was τήν τε ἐξουσίαν τῶν δημάρχων διὰ βίου ἔχειν καὶ τοῖς ἐπιβουαμένοις αὐτόν καὶ ἐντος τοῦ πωμηρίου καὶ ἔξω μέχρι ὀγδόου ἡμισταδίου ἀμύνειν . . . ἔκκλητόν τε δικάζειν καὶ ψῆφόν τινα αὐτοῦ ἐν πᾶσιν τοῖς δικαστηρίοις ὥσπερ Ἀθηναῖς φέρεσθαι.<sup>2</sup> Octavian, according to Dio, accepted all the honours except a few. Among those which he rejected was fairly certainly the *tribunicia potestas*, which he did not acquire till 23 B.C.<sup>3</sup> It does not, however, necessarily follow that he refused the special powers of *auxilium* and of jurisdiction which follow.

The first power described by Dio is that of giving *auxilium* in person like a tribune, but not only within the pomerium but for a zone of a mile outside it. The third is probably to be interpreted as the power of giving a vote of acquittal when the jury in a *quaestio* had condemned: ψῆφος Ἀθηναῖς can hardly be taken in the strict sense of a casting vote when the jury was equally divided, as the right would then have been of nugatory value.<sup>4</sup> This grant is something quite new, for no appeal had ever been allowed from the verdicts of the *quaestiones*, and the tribunes had never been able to intervene in their proceedings. It had however been foreshadowed by the proposal of Antony 'ut et de vi et maiestatis damnati ad populum provocent si velint'.<sup>5</sup> Under Antony's law the people would have had the power of annulling a condemnation by a *quaestio* under two of the *leges*. In the law of 30 B.C. Octavian is given a general power of pardon in all cases under the criminal laws. Octavian, that is, as 'libertatis populi Romani vindex', to quote contemporary coinage, is not only given, in an extended form, the traditional power of the tribune to defend the liberty of the Roman citizen against the *imperium* of the magistrates, but is vested with the people's own prerogative of mercy, and that in cases where hitherto no appeal had lain to the people.

Whether Augustus accepted the first power, that of *auxilium*, we have no means of telling, for no emperor is recorded to have exercised it, though from

<sup>1</sup> See my article cited above p. 478, n. 6, pp. 920—1. The test cases are Acts, XXV, 9—12, Pliny Ep. X. 96. 4, Eusebius, HE V. 1.

<sup>2</sup> Cassius Dio, LI. 19.

<sup>3</sup> See Last, 'On the tribunicia potestas of Augustus', Rend. Ist. Lomb. LXXXIV (1951), pp. 93—110.

<sup>4</sup> The phrase seems to be used in one other passage only (Philostratus, Vit. Soph. 568) and there appears merely to mean a decisive favourable judgment.

<sup>5</sup> Cic. Phil. I. 21.

23 B.C. all possessed it — at any rate within the pomerium. For the third power there is evidence under Tiberius, who, when Clutorius Priscus, having been condemned to death by the senate, was summarily executed without his being consulted, promoted a *senatusconsultum*, whereby ten days' grace should be allowed after sentence before the decree was entered in the *aerarium* for execution.<sup>1</sup> It appears to have later become the practice that all death sentences should be countersigned by the emperor: Nero, Suetonius tells us, 'cum de supplicio cuiusdam capite damnati ut ex more subscriberet admoneretur' replied: 'quam vellem nescire litteras'.<sup>2</sup> As the anecdote is dated to Nero's early years, when Tacitus records only three capital sentences passed by the senate, it would appear that condemnations by the *quaestiones* must have been regularly reviewed by the emperor. There is, it may be noted, no suggestion in our sources that the condemned man could appeal: the emperor intervened of his own motion.

It is in the light of these two powers that the third, briefly and obscurely described by Dio as ἐκκλητον δικάζειν, must be interpreted. In the context it must be a prerogative of mercy, a right to protect the liberty of the citizen against the *imperium*. It must be concerned with capital cases, and not be the ordinary right of giving *auxilium* in response to *appellatio* in civil issues which has been discussed earlier in this paper. The words strictly mean "to try an appealed (case)", *ex appellacione cognoscere*.<sup>3</sup> But by Dio's time — and indeed a century earlier — the conceptions of *appellatio* and *provocatio* had become so blurred that the two words were used interchangeably,<sup>4</sup> and here, I suggest, ἐκκλητον δικάζειν means *ex provocatione cognoscere*. Octavian, that is, was vested with the people's own prerogative of mercy, to reverse the capital sentence of a magistrate issued in virtue of his *imperium*. This second power is parallel to the third, and is prior to it: for by the second grant Octavian was vested with a right already held constitutionally by the people, in the third with an extension of this right.

<sup>1</sup> Tac. Ann. III. 51, Suet. Tib. 75, Cassius Dio, LVII. 20.

<sup>2</sup> Suet. Nero, 10. 2.

<sup>3</sup> From Dio himself we have LII. 22, τὰς δίκας τὰς τε ἐκκλητῶν καὶ τὰς ἀναπομίμους (*ex appellacione* and *ex relatione*), LIX. 8, ὥστε μήτε ἐκκλητὸν ποτε ἀπ' αὐτοῦ δικάσαι, LXXVII. 8, ἐξ ἐκκλητῶν δίκης κρινόμενον. Aelius Aristides (XXVI. 37. L. 74, ed. Keil) uses ἐκκλητος similarly. Ἐκκαλοῦμαι is the normal translation of appello, e. g. IG II—III<sup>2</sup>. 1100, line 49 (under Hadrian), Riccobono, Fontes<sup>2</sup>, III. 101 (A. D. 340). Ἐπικαλοῦμαι is also used for appello, e. g. Plutarch, Marcellus, 2, IG V. 21 (second century), and ἐπίκλησις for appellatio (OGI 458, line 82, under Augustus).

<sup>4</sup> Pliny (NH VI. 90) can say 'appellationem esse ad populum' and Tacitus (Ann. XIV. 28) 'qui a privatis iudicibus ad senatum provocavissent'. Examples are frequent in the Severan jurists as cited in the Digest. In Greek Dionysius of Halicarnassus (Ant. Rom. V. 19. 4, 70. 2, VII. 41. 1 as against IX. 39. 2) carefully distinguishes προκαλοῦμαι (*provoco*) from ἐπικαλοῦμαι (*appello*). Ἐπικαλοῦμαι is used for Paul's appeal to Caesar (Acts, XXV. 11—12).

The right of granting pardon necessarily involves the right of refusing it, and Octavian was thus in effect given the power of condemning a Roman citizen to death by refusing to exercise his prerogative. When the citizen had been condemned by the *iudicia publica*, he was no worse off if the emperor refused to exercise his prerogative, seeing that hitherto he had possessed no right of appeal. When he had been condemned by a magistrate exercising his *coercitio*, he theoretically lost his right of having his case reviewed by the *comitia centuriata*. But if, as has been suggested above, this procedure had fallen into desuetude, he lost little in practice, and in fact the rights of the Roman citizen seem to have been more effectively protected by the emperor than by the people.

The criminal jurisdiction of the emperor is thus in my opinion something new, created by two separate statutory grants. One, substituting the emperor for the people as the judge in cases arising out of *provocatio*, is dated to 30 B.C. The other, the *lex Iulia de vi publica*, cannot be securely dated. A *lex Iulia* may belong to Caesar or to Augustus. At first sight a plausible case can be made for Caesar. He was strongly interested, as his part in the trial of Rabirius and his intervention in the Catilinarian debate show, in the right of *provocatio*. At the same time his extensive grants of citizenship must have raised the problem of criminal jurisdiction over citizens in the provinces and suggested the need for some delegation of criminal jurisdiction to provincial governors. It may also be argued that as the *lex Iulia* spoke of *provocatio ad populum*, it was prior to the substitution of *appellatio ad Caesarem* for this right.

On the other hand there is no positive evidence for the capital jurisdiction of the senate or the emperor till late in Augustus's reign, and early in the reign we find political trials, such as would later have been held before the senate or emperor, going before an ordinary *quaestio*. In the case of Cornelius Gallus, the senate did not act as a court, but voted that he be condemned by a court,<sup>1</sup> that is presumably passed a vote of censure upon him and instructed the relevant praetor to receive a charge against him. Primus<sup>2</sup> and Caepio and Murena<sup>3</sup> were also tried before the regular *quaestiones*. This would suggest that the *lex Iulia* was later than 23 B.C., and probably not earlier than 19 B.C. when Augustus returned to Rome. If a late date is accepted it must be presumed that the old phrase *provocatio ad populum* was used in the law from legal conservatism.

The argument for the later date is however by no means conclusive, for as the capital jurisdiction of the senate and the emperor was voluntary, it may have long lain dormant, though on the statute book, because no accuser took the initiative of invoking it. It is even possible that the *lex Iulia*, if due to Caesar, was intended only to give *exercitio iudicii publici* to proconsuls, but

<sup>1</sup> Cassius Dio, LIII. 23, cf. Suet. Aug. 66. 2.

<sup>2</sup> Cassius Dio, LIV. 3.

<sup>3</sup> Cassius Dio, LIV. 3, Suet. Tib. 8.



was sufficiently loosely drafted to be interpreted to cover the consuls or anyone holding a consular *imperium*, and that Augustus made use of this ambiguity in the latter part of his reign, when his authority was well established, to set up his own and the senate's capital jurisdiction.

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## PEREGRINA SACRA

### *Offizielle Kultübertragungen im alten Rom*

Von den vielen fremden Göttern, mit denen die Römer infolge ihrer Eroberungen und der andauernden Erweiterung ihres Horizontes nacheinander in Berührung kamen, wurde nur ein Bruchteil in der Republik offiziell anerkannt<sup>1</sup>. Dies geht schon aus einem Texte von Suetonius über Augustus hervor: *Peregrinarum caerimoniarum sicut veteres ac praeceptas reverentissime coluit, ita ceteras contemptui habuit*<sup>2</sup>. Unter den aufgenommenen ausländischen Kulturen wurden von Augustus vor allem die Magna Mater und Ceres bevorzugt, berichtet Suetonius; hingegen legte der Kaiser für die nicht offiziell eingegliederten ägyptischen Götter, wie Apis, und für die jüdischen nur Abscheu an den Tag: so gratulierte er Gaius wegen seiner ablehnenden Haltung in Jerusalem.

Einschränkungen in der Aufnahme fremder Götter gehen auch aus der bekannten Definition von Festus hervor:<sup>3</sup> „Fremde Kulte werden jene genannt, welche entweder nach der Evokation der Götter während der Belagerung der Städte nach Rom überführt oder um gewisser religiöser Gründe willen in Friedenszeiten geholt worden sind, wie die der Magna Mater aus Phrygia, der Ceres aus Griechenland, des Aesculapius aus Epidaurus: und diese (Kulte) werden nach der Weise jener ausgeübt, von denen sie übernommen worden sind.“ Es fällt sofort auf, daß *peregrina sacra* hier auf eine bestimmte, aber sehr beschränkte Kategorie fremder Götter hindeutet. Unter diesen unterscheidet Festus sehr genau zwei Gruppen (*aut . . . aut*). In der zweiten erwähnt er zwei von den Göttern, die im oben angegebenen Passus von Suetonius als offiziell angenommene fremde Götter genannt werden: Ceres und Cybele. Diese waren ja, nachdem von Staats wegen die sibyllinischen Bücher zu Rate gezogen

<sup>1</sup> Vgl. A. Bouché-Leclercq. *Manuel des Institutions romaines* (1931), 476 n. 1.

<sup>2</sup> Suet. Aug. 93.

<sup>3</sup> Festus, 268 L.: *Peregrina sacra appellantur quae aut evocatis dis in oppugnandis urbibus Romam sunt conlata, aut quae ob quasdam religiones per pacem sunt petita, ut ex Phrygia Matris Magnae, ex Graecia Cereris, Epidauro Aesculapi: quae coluntur eorum more, a quibus sunt accepta.*

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THE DECLINE AND FALL OF THE ROMAN EMPIRE

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# HISTORY

OCTOBER, 1955

## THE DECLINE AND FALL OF THE ROMAN EMPIRE<sup>1</sup>

There are few questions in history that have aroused more sustained controversy than the causes of the fall of the Roman Empire. The debate began when the sack of Rome by Alaric first revealed the empire's weakness, and it is still going strong today. Contemporary observers, in the spirit of the age, sought a religious explanation of the catastrophe. Pagans, with gloomy triumph, pointed to the incontrovertible fact that Rome's decline coincided with her abandonment of her ancestral religion, and drew the obvious moral that her fall was due to the anger of the gods whose favour had raised her to greatness. The classic reply to this line of argument is Augustine's *City of God*, which develops in turn a series of sometimes mutually contradictory counter-arguments. One, further elaborated by Augustine's friend Orosius in his *Historia contra Paganos*, sought to prove that Rome's whole history had been a series of disasters, which the pagan gods—if they existed—had been impotent to avert, and that recent catastrophes had been mitigated by the Christian God. Orosius indeed concluded his work on a hopeful note. These hopes, however, were soon falsified, and in the next generation Salvian, gloomily despairing of the future of the empire, was obliged to seek a justification for God's evident wrath. This he found in the sins of the Romans—their oppression of the poor, their lax sexual morality, and their theatre going—which he contrasts with the simple virtues of the barbarians. Neither Orosius' nor Salvian's arguments ring very true. Despite Orosius' tendentious history it was clear that Rome had risen to imperial greatness while she worshipped the old gods, and that her decline had begun with the rise of Christianity. And despite Salvian the barbarians whom God preferred to the Romans were far from models of good faith and chastity.

Augustine did not disdain to use these arguments in the earlier

<sup>1</sup> A public lecture delivered in the University College of Wales, Aberystwyth, on 22 October, 1954.

books of his great work, but he eventually moved the controversy on to a different plane by his distinction between the *civitas terrena* and the *civitas dei*. He was even prepared to admit—in contradiction to his earlier thesis—that the Romans had prospered in their pagan days, not of course through the favour of the pagan gods, but because God had given the appropriate earthly reward to their earthly virtues. But, Augustine argues, the things of this world are to the Christian of no account; his life is in the City of God, and the tribulations of the earthly city are to him irrelevant.

In Augustine's solution of the problem may be detected one of the causes which contributed to the catastrophe—that intense otherworldliness whose counterpart was often a pessimistic defeatism about the things of this world. In this sense it is possible to name Christianity as one of the factors in the fall of the empire, since the Christianity of the age was deeply impregnated with otherworldliness. But it would be fairer to say that the whole religious atmosphere of the age was otherworldly: for contemporary paganism both on its intellectual and on its emotional sides, philosophy and the mystery religions, was as deeply and exclusively concerned with the fate of the individual soul and its relations with the divine as was Christianity. Christianity, which has at other times and in other places been an active and militant faith, rather followed than created the tendency of the age.

It is hardly possible to assign reasons for the mysterious changes which come over man's whole attitude to life from one age to another. The historian can do little more than register them. In the classical age of Greek and Roman civilization, when the city was the effective political unit, it was the city that dominated men's thoughts and emotions. Religion was in the main a communal activity, the worship by the citizens of the gods who protected their city. The virtues which were valued were the civic virtues, courage in fighting for one's city, wisdom and public spirit in guiding its policy, and open-handed generosity in contributing to its expenses. The average man seems to have found satisfaction in the service of his city: he had no hankering for personal immortality, being content to live on in the memory of his fellow citizens, and felt no need for personal communion with the divine powers. The political subjection of

cities to kings and ultimately to Rome inevitably weakened civic spirit. Many of its outlets were cut off. As Plutarch regretfully remarks, under the all-embracing rule of Rome a man could no longer win glory by leading his fellow citizens to victory in war, nor by statesmanlike handling of a political crisis. Civic patriotism survived the political extinction of the city for a surprisingly long period, but, deprived of useful outlets, it was diverted into futile backwaters and ultimately sank into stagnation. Now that cities could no longer fight one another for freedom or empire they carried on bitter feuds over questions of precedence and honorific titles, and vied with one another in competitive building programmes and games and festivals. Now that any challenge to the oligarchies which the Roman government supported was ruthlessly suppressed as sedition, internal politics degenerated into personal rivalries, in which, as Plutarch is forced to admit, ability or merit counted for little and the issue was decided by the wealth of the candidates and their willingness to spend it lavishly for the city's glory. This competition in extravagance between cities and between individuals was no doubt less destructive than the internecine wars and the party struggles which had been the bane of the sovereign city state. But it was economically ruinous, and led to an increasingly strict surveyance by the imperial government of local administration, especially on its financial side, with a corresponding decay of civic initiative, and to a growing distaste for local politics on the part of the wealthy, who alone could take any active part in them. Local politics were not only losing their savour, now that the cities were mere cogs in the imperial administrative machine, but were becoming a positive nuisance, since they involved a heavy expenditure. Even the members of the governing oligarchies began to regard local office as a burdensome responsibility and to seek ways and means of evading it.

While civic spirit decayed, there was no growth of imperial patriotism. From the first the imperial government had been regarded as an external power, at worst an oppressive tyrant, whose agents extorted taxes and levied recruits and exploited the provincials on their own account, at best a benevolent protector, which maintained armies to defend the provinces against the barbarians, and assured internal peace and order.

The ideal relation of the cities of the empire to the imperial government was aptly expressed by the official cult of Rome and Augustus, whereby the provincial communities manifested their humble gratitude to the emperor and the eternal city for benefits received and prayed for their continuance for all time. The ordinary citizen's rôle was purely passive, being in practice in most cases limited to paying his taxes. He neither felt, nor was encouraged to feel, any sense of responsibility for the welfare, or even for the survival, of the empire. His loyalty was passive, not active.

The army which protected the empire had from the beginning of the principate, and indeed before, been a professional body, whose efficiency depended on its own traditions and *esprit de corps*. The various grades of the civil service which administered the empire were likewise in origin professional, or early became so. The senatorial order had by the second century become an aristocracy of service: in the third it was increasingly superseded by the equestrian order, which had been professional from its origins: the lower grades of imperial slaves and freedmen and military clerks had always been professional. The strength and efficiency of the empire might therefore seem to have been independent of any sentiment of patriotism among its subjects. Nevertheless the decay of local civic spirit in the second and third centuries did seriously affect the efficiency of the imperial administration. In the early empire the central government depended largely on the cities for the execution of its orders. It was the city councils which were responsible for collecting the taxes, repairing the roads, levying recruits for the army, and furnishing the supplies requisitioned for its use, and so long as the cities performed these functions efficiently, the central civil service had only to regulate and supervise and could be kept small: its cost was therefore low, its quality could be maintained, and its abuses readily checked. This happy state of affairs, however, depended on the survival of civic spirit; the wheels would go round smoothly only so long as the upper classes in the cities were zealous to serve as local magistrates and councillors and to take their share in the administrative duties involved. As they became more and more reluctant to serve, and had, by the third century, to be unwillingly conscripted, more and more supervision and regimen-

tation by the central bureaucracy was required to keep the administrative machine in motion. The bureaucracy was expanded in number, its quality inevitably sank, and it became increasingly difficult to control its abuses. Diocletian's administrative reforms mark a decisive stage in this process. By multiplying provincial governors, each with his staff of clerks, separating the military command in many provinces from the civil administration, and creating the dioceses with their *vicarii*, *rationales* and *magistri*, and their staffs of clerks, he strengthened the administrative machine, with the result that it was able to dragoon the city councils into levying the recruits, labour and supplies that the imperial government required. But he only did so at the expense of imposing a scarcely tolerable burden on the empire. The expanded bureaucracy, though ill paid, involved a heavy charge in salaries—or rather rations and uniforms: and because it was ill paid and diluted in quality and difficult to control, it was inefficient, corrupt and extortionate.

Concurrently with, and perhaps in compensation for, the decay of civic spirit there was a growth of personal religion. Its origin can be traced back to the Hellenistic age, in the rise of philosophic systems like Cynicism, Stoicism and Epicureanism, which sought to establish a standard of values and inculcate a way of life for the individual, isolated from his community. On a more emotional level it is expressed in the growing popularity of mystery religions, in which the individual worshipper sought communion with the divine, and was encouraged in hopes of individual survival beyond the grave. These two streams ultimately coalesced in the mystical Neoplatonism which dominated educated paganism from the third century onwards. According to this creed the world of sense was illusory or evil, and the soul found fulfilment by shaking itself free from its earthly shackles and rising into the world of ideas with the ultimate goal of communion with the Absolute.

Christianity likewise inculcated indifference to the things of this world. The earliest generations of Christians, living in eager expectation of the Second Coming of the Lord, were naturally uninterested in the world around them. And as this hope became less vivid they concentrated on the life of the spirit and the world to come. There was a school of thought which regarded the empire as a satanic organization. Most

Christians, however, were not positively hostile to the empire, and indeed regarded it as of divine institution. But even when it became Christian it inspired no sense of loyalty or devotion. Christians did not feel called upon to fight for its survival or to remedy its abuses, because their eyes were fixed on the salvation of individual souls. The calamities of the empire were regarded not as challenges to action, but as tribulations sent by God to purify the righteous and call sinners to repentance.

This outlook on life not only bred a generally defeatist attitude to the problems of the time, which must have weakened the resistance of the empire, but produced specific movements which undoubtedly to some degree diminished its strength. Prominent among these is monasticism, the complete abandonment of this world for a life of spiritual contemplation. The movement reached vast proportions, especially in the East, and must have sterilized a significant proportion of the empire's failing manpower. For hermits and monks were, of course, lost as potential recruits to the army and the administration. The rare attempts of the imperial government to assert the claims of the public service were bitterly resisted by the church. When the Emperor Maurice enacted that soldiers and civil servants might not enter the monastic life before their discharge, Pope Gregory the Great protested vehemently that a Christian emperor could in no circumstances deny his subjects the right of saving their own souls, and did his best by passive obstruction to prevent the enforcement of the decree.

Monasticism represents in its most extreme form the other-worldly spirit, an utter condemnation of this world and an attempt to escape from its temptations and responsibilities and devote oneself entirely to the world of the spirit. Not all Christians were expected to follow this perfect way, but even those who remained in the world were strongly discouraged from the service of the state. Popes Siricius and Innocent I ruled that men who after baptism pursued the career of soldiers, civil servants or lawyers were ineligible for holy orders, and Siricius issued a yet severer decree that

those who, having done penance, like dogs and swine returning to their old vomit and wallowing place, sought anew a post in the imperial service or the pleasures of the theatre or new marriages or forbidden intercourse



should be, though allowed to attend church, denied the sacrament. There survive a number of letters from the leaders of Christian thought urgently dissuading their correspondents from entering the imperial service, which they represent as tantamount to damnation. Some Christian writers denounced the brutality, corruption and extortion of the imperial administration, but the church, so far from pressing for its reform, urged good Christians to avoid compromising their own salvation by taking any part in it. In this climate of opinion it is little wonder that the persistent efforts of the emperors to check abuses which seriously weakened the empire were always frustrated, for earnest and conscientious men who could have implemented the reforms were discouraged from serving them, and they were left with the less scrupulous members of society. Too many men of character and ability devoted their lives to the church for the good health of the state. Despite his great work as bishop of Milan, one may reasonably doubt whether a man of Ambrose's commanding character and high principles would not have served mankind more effectively had he, following in his father's footsteps, become praetorian prefect.

Another manifestation of the otherworldly ascetic spirit, celibacy, must have adversely affected the empire's manpower, which was one of its weakest points. The vogue for celibacy was immense, and affected not only professed monks and nuns and hermits. It was enforced with increasing strictness from the latter years of the fourth century on the clergy, more especially in the west under pressure from the Roman see, and it was practised by many pious persons who did not aspire to the full rigours of monastic life. Celibacy not only reduced the gross total of the population, but may have had a dysgenic effect, since it was on the whole the more serious and conscientious who felt called upon to practise it.

I have dwelt somewhat long on these psychological factors because they have hitherto received too little attention. They help to explain some of the notable weaknesses of the later empire, the combined brutality and inefficiency of the administration, forced to rely, in the absence of any public spirit, on compulsion and regimentation, and the ineradicable corruption of the bureaucracy, as it grew in numbers and was diluted in

quality, and came to be shunned by good men. They also help to explain the curious apathy, not to say defeatism, of the population in the face of barbarian invasion and occupation. Occasionally the citizens of a town would rally to defend the walls, but even such last flickerings of civic patriotism were rare. Normally if the imperial army failed to defend them, the population submitted passively; only the least civilized of the provincial communities, those of Britain and Armorica, are recorded to have organized their own defence. In general the provincials had so long been used to rely on the emperor with his professional army to protect them that they could not conceive of defending themselves. And above all they were not interested in preserving the empire; in their eyes the barbarian invasions were calamities sent by God to punish their sins and test their faith, and the duty of good Christians was not to resist but to repent and endure patiently.

The later empire also suffered from serious economic weaknesses. The decay of trade and industry, on which so much stress has been laid by some modern historians, was in my opinion a very minor matter, for even at their most prosperous they contributed a minimal fraction of the national income and of the imperial revenue. The Roman empire was to an overwhelming extent an agricultural state. The vast majority of its population were peasants. The wealthy derived their income almost exclusively from agricultural rents, and the state drew its revenue almost exclusively from taxes assessed on the land and on the agricultural population; from the scanty figures available it would seem that even in the East, where trade and industry still remained in a relatively prosperous condition, agriculture yielded more than twenty times as much revenue in direct taxation as they did when Anastasius finally abolished the only direct tax which fell upon them, the *collatio lustralis*.

It is evident that the cultivated area shrank under the later empire. *Agri deserti*, lands which had once been cultivated and paid tax but were now abandoned, were a constant trouble to the imperial government, which either sought, by temporary tax exemptions, to bring them under the plough again, or, by attaching them to productive land and making the owner of the latter responsible for them, secured that their taxes were paid.

On these facts has been built a theory of soil exhaustion. This theory is unlikely to be true, for the problem of *agri deserti* seems to have been no less acute in the recently developed lands of northern Europe, and in Egypt, where the annual flood of the Nile renewed the soil each year, than in the areas where long cultivation might have caused a diminishing return. Moreover it is clear that most of the land continued to yield good profits: the emperors were continually besieged by applicants for grants of land which had in one way or another fallen in to the crown, and it must not be overlooked that the immensely wealthy senators of Rome derived their huge incomes from agricultural rents, that the revenues of the church came mostly from the same source, and the imperial *res privata* consisted of landed property.

It would seem that it was only land of marginal quality that fell out of cultivation, and that the main reason was the high rate of taxation, which was in most parts of the empire crudely assessed on simple categories—olives, vineyard, arable, pasture—without distinction of quality, and sometimes on area alone. In these circumstances landlords often were unable to find tenants who could pay a rent in addition to the taxes on land of inferior quality.

The other main economic problem of the later empire was a shortage of manpower. This evidently made itself felt in almost all the less attractive occupations, and led to the government's attempting—with only partial success—to tie various classes hereditarily to their tasks. The government was naturally mainly concerned with occupations immediately vital to the state—soldiers, lower grade civil servants, miners, workers in the mints, in the state factories producing arms and uniforms and in the public transport service, and above all peasants, on whose labour the revenue depended. Landlords eagerly welcomed the legislation, which tied their tenants to their estates, and for tenants (*coloni*) it was rigorously maintained, and to a large extent enforced, while for peasant proprietors it fell into desuetude, partly perhaps because proprietors were less liable to leave their holdings than tenants, partly because there was no one with a direct interest in reclaiming fugitive freeholders. The shrinkage in agricultural manpower no doubt contributed to the abandonment of less fertile land; landlords seem always

to have been ready to take on tenants from any source—vagrants, often fugitive *coloni* from the estates of others, sometimes urban workers who could find no employment in the decaying towns, or again barbarian prisoners distributed by the government.

A manpower shortage does not necessarily imply a fall in population, for it may be caused by an increase in the demand as well as by a decrease in the supply. There was a heavy demand for manpower in the later empire for the greatly expanded army, and for its ancillary services, the arms and clothing establishments, and for transport. The swollen bureaucracy also absorbed many men, and the Christian clergy produced a new demand, for there had been few full time professional pagan priests. The monastic movement, as mentioned above, withdrew many men from the market. Nevertheless it seems probable that the population on which these heavy demands were made was at any rate static, if not dwindling.

War and famine and plague no doubt played their part in producing this result, but the lack of resilience in the population is probably to be accounted for by the same fact as the decreasing area of cultivation—the heavy burden of taxation imposed on the peasantry, who formed the vast bulk of the population, on which was often superimposed the further burden of rent. A number of stories, from different periods and areas, strikingly illustrate the miserable condition to which the peasants were reduced. In bad seasons, we read, they came flocking into the towns for food, and there the granaries of the state and of the rich landlords contained grain with which to feed them. The state and the landlord extracted their dues, by the ruthless methods described in many contemporary sources, whether the crops were good or bad, and if there was not enough left to feed the peasant and his family they starved. The reaction of the peasantry to this treatment was singularly passive. No peasant revolts are recorded save those of the *Bacaudae* in Gaul and Spain, which persisted from the end of the third century till the fall of the empire. More usually peasants sought the protection, for which they had to pay, of some powerful patron, the commander of the local garrison or a great landlord; in the latter case their last state was worse than their first, for the price of protection was their land and

often their liberty. But most commonly they had recourse to flight, becoming the vagrants so often alluded to in the Codes as potential recruits for the army or as being employed by landlords short of tenants, or in the last resort joining the bands of brigands which infested the provinces.

It is not surprising that in these miserable circumstances the peasantry did not rear enough children to maintain their numbers. But it may be asked why so heavy an economic burden was laid on them. The short answer to this is simple. The empire supported an excessive number of—economically speaking—idle mouths in relation to the number of producers, taking into account their low level of production. The empire had always had a large rentier class, ranging from senators with their vast estates scattered over many provinces to the thousands of more modest landowners who filled the councils of its cities. The area held by this class tended always to increase, as peasant freeholders from time to time fell into difficulties and were forced to mortgage and ultimately part with their land to their creditors. The reverse process of the break up of great estates seems never to have taken place, for there were always rich buyers ready to snap up any land which came on the market. To private landlords were added in the later empire the churches and the monasteries, which from Constantine's reign onwards rapidly built up from gifts and bequests of pious benefactors, great and small, large and ever increasing endowments in land. The income of the church, it may be noted, at this time consisted almost entirely of agricultural rents, tithe not having been invented, and the offerings of the faithful being a relatively minor item. Monks were normally idle mouths; the Pachomian communities of Egypt, which worked their own land and produced a surplus for charity, were an exception.

In addition to this landlord class, which lived on rents, agriculture, through the land and poll tax, supported a large professional army, greatly increased in numbers if not in effectiveness since the principate, a vastly swollen administrative bureaucracy, the state transport service, whose heavy demands for fodder and remounts were a constant source of anxiety to the government, not to speak of the workers in the state arms factories and weaving and dyeing establishments. The uni-

versal corruption of the administration, the countless sinecure offices, the speculation of officials, and the mounting fees and commissions, at first illicit, but gradually recognized by custom, superimposed on the regular taxation, made the burden all the heavier. Despite the periodic efforts of reforming emperors to cut down superfluous expenditure, the burden steadily increased. To Lactantius the rate of taxation imposed by Diocletian seemed intolerable; it was leading, he declared, to a wholesale abandonment of the land. But we have a statement of Themistius that the standard rate had by gradual increases been doubled in the forty years preceding the accession of Valentinian and Valens in 364.

The Roman empire, we must not forget, was technically more backward than the middle ages. In agriculture a two field system of alternate crops and fallow was usually followed, and the potentially richest soils were little exploited. The horse collar had not been invented, so that oxen had to be employed for ploughing and for carting. Water mills existed, but seem to have been relatively rare, and corn was generally ground by animals or by human labour in hand querns. Yet with this primitive technique agriculture had to carry an ambitious superstructure far heavier than that of any medieval state. No medieval kingdom attempted, as did the Roman empire, to support, as well as a landed aristocracy and the church, a professional standing army and a salaried bureaucracy.

Nevertheless neither the economic factors, nor the psychological factors which I discussed earlier, can be a complete explanation of the collapse of the empire. There is a very simple test, which western scholars are prone to forget. It was only in the West that the imperial government broke down in the fifth century. Yet in the East Christianity was deeper rooted and more widespread, and monasticism was both more extensive and carried to greater extremes. The army in the East was fully as large and as expensive, and the bureaucracy as swollen and corrupt. Yet at the very time when the western empire was staggering to its fall, the eastern was making a recovery. In the sixth century Justinian was able to reconquer substantial parts of the western empire—Africa, Italy with its adjacent islands, and even a part of Spain. Much of Italy was, it is true, almost at once lost to a fresh barbarian inroad, that

of the Lombards, and at the beginning of the seventh century a simultaneous invasion by the Avars from the Danube and the Persians from the East almost brought the empire to its knees. Under Heraclius it made a marvellous recovery, only to face the new threat of the Arab invasions. To the Arabs it lost Syria, Egypt and later Africa, but after initial setbacks it consolidated itself in Asia Minor and the Balkans, together with some surviving fragments of Justinian's reconquests—Sicily, Sardinia and parts of Italy. Altogether the Eastern empire showed a surprising vitality in comparison with the West.

These facts indicate that the empire did not, as some modern historians almost assume, collapse from internal causes. It succumbed to persistent attacks by invading barbarians. Strategically the eastern empire was during the fourth and fifth centuries far better placed than the western. The main pressure came from the German tribes pushed westwards by the Huns against the Danube and the Rhine, and later from the Huns themselves. The Eastern emperor ruled Thrace and Eastern Illyricum, and was thus responsible for the defence of the lower Danube. The Danube was frequently forced, and Thrace and Illyricum were so regularly ravaged that they became financially a liability rather than an asset. But the barbarian invaders could move no further eastwards, for the Bosphorus and the Hellespont were always firmly guarded by the emperor who reigned at Constantinople. The barbarian invaders who crossed the Danube therefore always tended, when they had exhausted the resources of the Balkans, to move westwards and add to the embarrassments of the West. On the eastern frontier Persia could be a formidable adversary, but it was a civilized state with which treaties could be made: actually peace was kept over long periods between Rome and Persia. On the desert frontiers of Syria and Egypt there were only the Saracen tribes who were easily controlled by the judicious grant of subsidies until they were galvanized into united aggression by Islam. The greater part of the eastern empire—Asia Minor, Syria and Egypt—was more or less immune from invasion, and provided the resources to maintain the imperial armies in the Balkans, which, though frequently invaded, were regularly recovered from the impregnable bridgehead of Constantinople.

In the West the strategic situation was much less favourable.

The empire had to protect two long fronts, the upper Danube and the Rhine, and the German tribes, moving on interior lines, could switch their attacks from one front to another. The tribes who broke through the Rhine defences could ravage the whole of Gaul at will, and those who penetrated the Danube line had a choice of passes through which they could invade Italy itself. Spain behind the Pyrenees, and still more Africa, seemed secure, but simultaneous invasions of Italy and Gaul proved too much for the imperial armies. While the bulk of the army was heavily engaged in the defence of Italy against the Goths, the Vandals, Sueves and Alans burst into Gaul, and thence penetrated the Pyrenees and found a lodgment in Spain, whence the Vandals moved on into Africa. The imperial government in Italy was thus encircled and deprived of its main sources of revenue and supplies, and was unable to maintain the struggle.

Not only were the areas governed by the western emperor more exposed to attack than those under the rule of his eastern colleague. They were probably poorer in manpower and in revenue. For us today this is difficult to realize. The lands bordering the eastern Mediterranean, with the exception of Egypt, have as a result of centuries of misgovernment and the cumulative effects of denudation, receded absolutely in prosperity. It is certain that there is less cultivable land than under Roman rule, and that less of it is cultivated, and it is a reasonable guess that the population has shrunk considerably. By contrast the now prosperous lands of northern Europe—Britain, Gaul and the Danubian provinces—were probably still underdeveloped under the Roman empire. Much of the best soil seems to have been undrained marsh or uncleared forest. This statement is difficult to substantiate without more extensive archaeological surveys, but in Britain at any rate it was the light upland soils which were cultivated, and the rich river valleys were neglected. It is notable moreover that under the empire it was Africa which was regarded as the richest of the western provinces, and was in fact the granary of Rome. Africa has, it is true, receded in prosperity since Roman times, but its natural resources can never have compared with those of Gaul, if these had been fully exploited. Africa too was regarded as populous, which argues that the northern lands must have been very sparsely inhabited.



It would seem, then, that the emperors of the West, who were faced with the more difficult military task, had smaller manpower resources to draw upon for their armies than those of the East. This is probably one of the reasons why in the West barbarians were more freely recruited in the fourth century, and in the fifth the government—with fatal results—came to rely almost exclusively on hired federates. In the East by contrast during the fifth and sixth centuries the emperors maintained and built up a national army of Roman citizens and kept the element of barbarian mercenaries under control. The armies with which Belisarius and Narses won their victories were predominantly Roman, mainly raised by voluntary recruitment from the sturdy mountaineers of the Balkans and eastern Asia Minor, whence came the crack regiments of 'Isaurians'.

The western emperors also seem to have commanded far less revenue than their eastern colleagues, whether it was levied, as it mainly was in the fourth century, in kind, or was commuted into gold, as it mostly was during the fifth. The eastern empire was able not only to pay its army regularly and keep up its strength: it could afford to pay huge subsidies to Attila without undue strain, and, what was far more costly, to launch great seaborne expeditions for the recovery of the West. Leo's expedition against the Vandals is said to have exhausted the empire's reserves for a generation, but Anastasius nevertheless left a full treasury and a buoyant revenue. Justinian's wars undoubtedly placed a severe financial strain on the empire, but nevertheless it continued to be a going concern. In the West on the other hand the regular army was allowed to run down, and seems by the middle of the fifth century to have melted away, while the federate troops which replaced it were remunerated with grants of land, under the system of *hospitalitas*, instead of being paid in cash.

The greater financial resources of the eastern empire were probably in part due, as suggested above, to the fact that the areas which it ruled were more fully developed and richer. It must also be remembered that owing to the strategic considerations mentioned above they suffered less from the ravages of war. Asia Minor, Syria and Egypt were virtually sealed off from invasion. In the west on the contrary the revenue-

producing provinces were successively ravaged and then occupied by barbarians; the occupation of the rich provinces of Africa by the Vandals was the final blow from which the western empire never recovered.

I would also suggest that the relatively favourable financial position of the imperial government in the East was in part due to a difference in the social structure of the eastern and western parts of the empire. This is a point which, in the absence of statistics, must remain rather speculative, but the evidence is, I think, strong enough to warrant stating it as a working hypothesis. There seems to have been a greater concentration of landed property in the hands of a few wealthy men in the West than in the East. We have reliable evidence that the senatorial aristocracy of Rome enjoyed fabulous incomes from their landed property: a senator whose annual rents totalled 1500 lb. gold and dues in kind to the value of 500 lb. gold was reckoned to be of medium wealth. Two senators of Constantinople, one of whom had first ruined himself by his extravagance and then brought ruin on his colleague by borrowing from him and squandering 1000 lb. gold, were both put on their feet by a grant of 2000 lb. gold from Anastasius. A typical western senator had, that is to say, an annual income twice as great as the capital wealth of a typical eastern senator. At the other end of the scale the peasant freeholder seems to have survived in far greater numbers in the east than in the west. In the west at any rate he has left very little trace in our records, and we hear almost exclusively of *fundi* and *massae* in Italy, Sicily, Africa, Spain and Gaul. In the East on the contrary we hear of villages of peasant proprietors still surviving in Syria in the mid-fifth century, while Justinian legislated to protect the peasant freeholders of Thrace and Illyricum from foreclosure by moneylenders. In Egypt both the Codes and the papyri attest the existence of numerous villages of freeholders down to the Arab conquest.

If my hypothesis is correct less of the product of agriculture went into rents in the East, and more was therefore available to the government in taxation. In the west great landlords absorbed more of the national income in the form of rent, and as they were influential persons who could get their estates assessed at a low rate, secure immunity from special or supple-

mentary levies, or finally postpone payment till one of the recurrent general remissions of arrears, the government did not secure the full taxes from their lands. The concentration of land into great estates also had its effects on the recruitment of the army. Landlords were always most reluctant to give up their tenants as recruits; at a time of crisis in 399 we find the Roman senate successfully petitioning the emperor against a levy of recruits and being allowed to pay commutation in gold for the men assessed on their lands. In the latter part of the fifth century tied tenants (*coloni adscripticii*) were debarred from military service in both halves of the empire. In the west this concession must have cut off from the army its major source of manpower. In the East there were ample resources of freeholders from whom Justinian could raise his armies, notably in Asia Minor and the Balkans.

The economic preponderance of the great landlords in the West was reflected in the government of the empire. From the end of Constantine's reign members of the great senatorial families begin to occupy the praetorian prefecture, the supreme judicial and financial office, and by the fifth century they almost monopolise it. We may well believe, as Ammianus hints, that they protected their own interests and those of their relations, friends and colleagues. In the East the praetorian prefecture was usually held by men of relatively humble origins, imperial notaries in the fourth century, or later on lawyers or, under Anastasius and Justinian, financial officials like Marinus the Syrian and John the Cappadocian. These men certainly lined their own pockets, but are admitted by their bitterest critics to have filled the treasury. They owed their advancement to the emperor, and had little motive for sparing the wealthy.

To explain this difference in the economic and social structure of the western and eastern parts of the empire one must go back many centuries. The Roman senatorial aristocracy began building up their vast estates in the second century B.C. from the spoils of the eastern wars and the exploitation of the provinces. Many of the old families died out in the course of time, but the order was filled by wealthy *equites*, often the descendants of men who, having made fortunes by tax collecting or money lending in the provinces, had invested them in land, and the fortunes of the extinct families generally remained within the

order, passing through heiresses or by will or adoption to the newer families. The senatorial nobility thus accumulated through the generations the vast wealth of which we find it possessed in the later empire, and since it was to a large extent Italian by origin in the early centuries, and still in the second century A.D. predominantly western, its estates lay mostly in the western provinces, and particularly in Italy: for senators were expected to reside in Rome and obliged to invest a proportion of their wealth in Italian land. In the east wealth remained more evenly distributed. With the foundation of the new imperial capital of Constantinople and the establishment there of a second Senate a similar process of concentration began in the East, but Rome, after all, had five centuries start over Constantinople.

I have outlined what seem to me to be the principal causes of the empire's decline, and of its collapse in the West. It would be difficult, and probably profitless, to attempt to weigh their relative importance, for they interacted upon one another so as to form a single complex. The strategic vulnerability of the west not only exposed it to severe military pressure, but diminished the economic resources on which its defence was based, while its economic disequilibrium reduced its military manpower. The decline of public spirit led to the growth of the bureaucracy, and the weight of bureaucratic control crushed public spirit, while the heavy financial burden it entailed doubtless contributed to the general apathy of the population. Otherworldliness weakened the economic and military resources of the empire, and the resulting distress and defeats made men turn away from this world and set their hopes on another. The decline and fall of the Roman empire was the result of a complex of interacting causes which the historian disentangles at his peril.

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Seneca (*De Clem.* i. 9. 6) includes Lepidus in a list of successive plotters against Augustus, *quos tantum ausos pudet*; the phrase could be a rubric to the second half of the Ode. Livy *Per.* cxxx describes him as *bellum moliens*, a portentous phrase for its context.

Recent commentators<sup>1</sup> have taken vv. 41–42 as a plea for ‘No more proscriptions’, though it would seem from Dio li. 5. 1 (cf. Vell. ii. 56. 2; *Res Gestae* 3) that Octavian on his flying visit to Brundisium early in 30 B.C. had already declared some kind of amnesty. Are we to suppose, as an alternative, that Horace is urging a policy of compassion towards those guilty of the new crime of *maiestas*? It is hard to believe that such a proposal, coming close on the heels of the execution of Lepidus, could be made with any hope of a kindly reception. On the other hand, we are told that the problem was one which was supposed to cause Augustus great mental anguish<sup>2</sup> and which he was finally (twenty-five years later) to resolve, under the pleadings of Livia, on the lines of just such a *lene consilium* (Dio lv. 14–22).

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## L. VOLCACIUS TULLUS, PROCONSUL OF ASIA

IN *C.R.* xli (1927), pp. 119–21, W. H. Buckler proposed a new restoration of lines 32–49 of *O.G.I.* 458, the great decree of the province of Asia which adopted the Julian calendar in honour of Augustus. In September 1954 Mr. W. H. C. Frend, while staying at Dinar (Apamea), observed an inscribed block of white marble, which the owner stated he had recently dug out of his garden. It proved to be the right-hand half of the block which carried the thirteen lines of the Apamene copy of the decree corresponding to lines 40–51 of *O.G.I.* 458 (the Priene copy). Fortunately the lacunae in the two versions rarely coincide, and it is thus possible to reconstitute the text with virtual certainty. In the text given below, based on Mr. Frend’s photograph and squeeze, I have underlined the parts surviving in the Priene copy and marked the lines of that copy.

- 1 | <sup>40</sup>ἤρξεν δὲ τῷ κόσμῳ τῶν δι’ αὐτὸν
- 2 | εὐανγελίων ἡ γενέθλιος ἡμέρα | <sup>41</sup>τοῦ θεοῦ, τῆς δὲ Ἀσίας ἐψηφισ-
- 3 | μένης ἐν Σμύρνῃ ἐπὶ ἀνθυπάρχου | <sup>42</sup>Λευκίου Οὐλκακίου Τύλλου
- 4 | γραμματεῦντος Παπίωνος | Διοσιεριτοῦ | <sup>43</sup>τῷ μεγίστῳ εἰς τὸν
- 5 | θεὸν καθευρόντι τιμὰς εἶναι | στέφανον (vac.) | <sup>44</sup>Παῦλλον Φάβιον Μά-
- 6 | ξιμος ὁ ἀνθύπατος τῆς ἐπαρχίας | εὐεργέτης | <sup>45</sup>ἀπὸ τῆς ἐκείνου
- 7 | δεξιᾶς καὶ γνώμης ἀπεστ | αλμένος ξὺν τοῖς ἄλλοις | <sup>46</sup>οἷς εὐεργέ-
- 8 | τησεν τὴν ἐπαρχίαν ὧν εὐεργεσιῶν τὰ μεγέθη λόγος | <sup>47</sup>εἰπεῖν οὐδεὶς
- 9 | ἂν ἐφίκοιτο, καὶ τὸ μέχρι νῦν ἄγνωστον ὑπὸ τῶν Ἑλλή | <sup>48</sup>νων εἰς τὴν
- 10 | τοῦ Σεβαστοῦ τιμὴν εὐρετο | τὸ ἀπὸ τῆς ἐκείνου γενέ | <sup>49</sup>σεως ἄρχειν
- 11 | τῷ βίῳ τὸν χρόνον διὸ τυγχί ἀγαθῇ καὶ ἐπὶ σωτηρίᾳ δεδό-
- 12 | σῆσθαι τοῖς τῆς Ἀσίας Ἑλλήσιν | ἀρχειν τὴν νέαν νομμηνίαν πά-
- 13 | σαις | <sup>51</sup>ταῖς πόλεσιν τῇ πρὸ ἐννέα Καλανδῶν Ὀκτωβρίων ἧτις ἐσ-  
τιν γενέ | <sup>52</sup>θλιος ἡμέρα etc.]

<sup>1</sup> L. P. Wilkinson, *Horace’s Lyric Poetry*, pp. 69–71; L. A. Mackay, *C.R.* xlv1 (1932), pp. 243–5.

<sup>2</sup> Sen. *De Clem.* i. 9. 5, ‘non est tanti vita, si, ut ego non peream, tam multa perdenda sunt’; cf. vv. 73–75 of our ode.

There are slight variations between the two copies. In line 3 *Οὐλλακίου* is probably merely an engraver's error for *Οὐολακίου*, and in line 4 the omission of *γ'* after *μεγίστας* is also no doubt accidental. On the other hand the Apamene copy is richer in iota adscripts, e.g. in line 11.

The stone is a salutary warning to epigraphists (and may one add textual critics?) of the difficulty of restoring the actual words of a defective text. Of the restorations made by so good an epigraphist and scholar as Buckler only two (lines 2 and 5) are confirmed, while five (lines 3, 4, 6, 7, 8) are disproved. On lines 6, 7, and 8 there is little to remark save that in line 7 Buckler was misled by a false reading of *E* for *Ξ*. The superior simplicity of the real text over the conjectures of modern scholars is noteworthy.

In line 4 the restoration of the proper name Papiion is virtually certain, as a magistrate of that name is recorded on coins of the little city of Dioshieron minted in the reign of Augustus (*Rev. Num.* 1883, p. 395). But the main historical (and literary) interest of the new stone lies in the letters *πατου* in line 3. They prove that Mommsen (*Ath. Mitt.* 1899, p. 280), Dittenberger (*O.G.I.* 458, note 28) and Buckler (*C.R.* 1927, p. 120) were all wrong in identifying the L. Volcatius Tullus of the inscription with Propertius' friend Tullus, and vindicate the arguments of von Domaszewski ('*Zeitgeschichte bei den römischen Elegikern*', *Sb. Heid. Akad. Wiss., Phil.-hist. Kl.* 1919. 2, p. 5), that he is the consul of 33 B.C., the uncle of Propertius' friend, alluded to in i. 6, who became, as that poem implies, proconsul of Asia shortly after Actium. The chronology of Propertius' poems thus receives epigraphic confirmation.

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### CRATINUS FRAG. 337 KOCK

τὸν μωρὸν οἶδαμεν σάνναν καλεῖσθαι ὡς ἀπὸ  
τινος κυρίου ὀνόματος· καὶ παράγεται Κρατίνος  
κωμικῶν τοιοῦτον τὸν Θεοδοτῖδην σάνναν.

(Eustathius 1669. 46.)

So runs our most informative source. Kock's other references add little. In particular they do not further specify the author's name. Ancient writers were not always careful to distinguish between the elder and the younger Cratinus, and Kock, following Meineke, attributed all fragments to the elder unless otherwise indicated.

This method may be misleading. The elder Cratinus probably died about 420, and Meineke therefore identified the Theozotides of this fragment with the Theozotides<sup>1</sup> of Plato's *Apology* 33 c, a man who was either dead or very old in 399. But there was a younger Theozotides, grandson of this one, who is probably the man referred to by Demosthenes (xxi. 59). He had once, as choregus, employed a chorusmaster named

Sannion, who was technically disqualified from holding that post. All we know otherwise of this Sannion comes from the anonymous *Life* of the orator Aeschines (ch. 7) where he is said to have picked up the latter after the fall on stage which ended his career as an actor. As Aeschines was born about 390, this incident cannot have happened before 370. The author of the *Life* casts doubt on the tale because it derives from Demosthenes' nephew, but it must have been at least a plausible invention. We may conclude that Sannion lived in the first half of the fourth century. The Theozotides who employed him must also have belonged to this period, and have been a contemporary of the younger Cratinus. The latter's dates are uncertain, but he refers once to Plato and probably flourished about the middle of the century.

Theozotides is a rare name, appearing perhaps half a dozen times in Athenian history. It is surely more than a coincidence that on one of these infrequent occasions it is connected with the very rare word *σάννας*, and on another with the very rare name Sannion. The words of Eustathius, ἀπὸ τινος κυρίου

<sup>1</sup> The spelling in the manuscripts varies; epigraphic evidence favours Theozotides.



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# THE ECONOMIC HISTORY REVIEW

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## SLAVERY IN THE ANCIENT WORLD

By A. H. M. JONES

### I

AS the subject of this paper is the economic importance of slavery, little need be said of domestic servants. It should, however, be emphasized that the proportion of slaves absorbed by domestic service must at all periods have been considerable, for, by and large, personal servants were always slaves, and they were employed in numbers which by modern standards seem very lavish. Moralists continually denounce the luxury of the rich who counted them by the hundred or even the thousand, and if their figures are suspect, we have the well attested case of Pedanius Secundus, prefect of the city under Nero, whose town house was served by a staff of 400.<sup>1</sup> Slaves were, moreover, employed by persons of relatively humble means. In the fourth century B.C., according to Demosthenes, even the poorest of those who paid the war tax, peasant farmers with a holding of six or seven acres, might well own a maidservant.<sup>2</sup> In the fourth century A.D., private soldiers in the Roman army quite commonly owned a slave or two.<sup>3</sup> S. Martin is commended by his biographer for his asceticism in restricting himself to one slave batman.<sup>4</sup> For academic readers, Libanius' plea for his four lecturers is perhaps the most illuminating evidence which can be quoted for the high standard of domestic service prevalent in antiquity. They were, according to Libanius, miserably paid. Those who had a house laboured under a heavy mortgage; others lived in lodgings 'like cobblers'. They could barely afford to marry, and congratulated themselves if they had only one child. They owed money to the baker, and had to sell their wives' trinkets to meet the bill. These unfortunates could afford only three slaves, or even two, who were insolent to their masters because they had not many fellow servants.<sup>5</sup>

Slaves were also commonly employed throughout antiquity in secretarial and managerial posts. In fifth-century Athens, Nicias entrusted his mining interests to a slave, for whom he is alleged to have paid the fantastic price of one talent.<sup>6</sup> In fourth-century Athens, bank managers were often slaves or freedmen of the owners: Archestratus entrusted his bank to his slave Pasion, whom he

<sup>1</sup> Tacitus, *Annals*, xiv, 43.

<sup>2</sup> Dem[osthenes], xxiv, 197; cf. my *Athens of Demosthenes* (Cambridge, 1952), pp. 9-11.

<sup>3</sup> *Cod[ex] Theod[osianus]*, vii, xiii, 16, xxii, 2. <sup>4</sup> Sulpicius Severus, *Vita S. Martini*, 2.

<sup>5</sup> Lib[anius], *Or[at]io*, xxxi, 11.

<sup>6</sup> Xen[ophon], *Mem[orabilia]*, ii, v, 2.

freed and to whom he ultimately bequeathed the business, and Pasion in his turn, when he retired, leased the bank to his freed slave Phormio.<sup>1</sup> This habit of employing slaves in managerial positions of trust sometimes resulted in curious anomalies. In the early imperial fleet the ratings were free provincials, but the captains of the ships were slaves of the emperor, and the admirals his freedmen.<sup>2</sup> The bailiff or agent of a farm or estate was commonly a slave of the owner, but the working tenants whose rents he collected and whose work he supervised were under the Principate commonly free men.<sup>3</sup>

The reason why slaves and freedmen were preferred for posts of this kind was that self-respecting free men were unwilling to accept positions in which they had to obey the orders of an employer. The point is well put in a dialogue reported by Xenophon between Socrates and a certain Eutherus.<sup>4</sup> Eutherus had lost his property overseas owing to the war, and was reduced to earning his living as a manual labourer. Socrates warns him that his strength will fail with advancing age and no one will be willing to hire him, and suggests that he seek employment as a works manager or estate agent of a wealthy man. Eutherus is shocked: 'I would find it hard to endure slavery' he replies, and after further argument sums up his attitude: 'I absolutely refuse to be liable to be called to account by anyone.' This is a particularly interesting case; Eutherus not only preferred manual labour to blackcoated employment, he was willing to hire his labour to an employer, but not to forfeit his independence by accepting a position which involved personal service to a master.

Employers no doubt also preferred to use in positions of trust men whose characters they knew, and on whose obedience they could rely; slaves could be chastised if they disobeyed instructions, and freedmen had formed the habit of executing their masters' orders. Cicero approved the old custom (still prevalent in his own day) whereby magistrates appointed as their secretaries (*accensi*) their own freedmen, 'to whom they used to give orders not very differently than to their slaves'.<sup>5</sup> During the early Principate this practice produced a glaring anomaly. The emperor's secretaries and accountants (*ab epistulis*, *a libellis*, *a rationibus*) became inevitably Secretaries of State and Ministers of Finance, and yet as inevitably these posts had to be filled by imperial freedmen; no Roman of standing would have demeaned himself by becoming the emperor's personal servant. The aristocracy bitterly resented the power and wealth of Pallas, Narcissus and the other great imperial freedmen, but the problem was insoluble until eventually, after over a century had passed, these secretarial posts acquired sufficient status to rank as public offices and to be acceptable to members of the equestrian order—though never to senators.<sup>6</sup>

## II

The slave manager or agent is an interesting figure, but it is slave workmen with whom this paper is concerned. What were their numbers at various times and places, compared with the numbers of the free working population? How

<sup>1</sup> Dem. xxxvi, 4-7, 43 *et seq.*; cf. *Econ. Hist. Rev.* viii (1955), 152, n. 8.

<sup>2</sup> The evidence is given in C. G. Starr, *The Roman Imperial Navy* (Ithaca, N.Y., 1941), pp. 32, 44, 69. Pace Professor Starr, I think that the inscriptions which he cites show that the trierarchs were often Imperial slaves.

<sup>3</sup> W. E. Heitland, *Agricola* (Cambridge, 1921), pp. 361 *et seq.*; see *Dig[est]*, xxxiii, vii, 20, § 3 for a farm bequeathed with its (slave) *actor* and the arrears of its (free) *coloni*.

<sup>4</sup> Xen. *Mem.* ii, viii, 1-5.

<sup>5</sup> Cicero, *Epistulae ad Quintum fratrem*, i, i, 13.

<sup>6</sup> A. M. Duff, *Freedmen in the Early Roman Empire* (Oxford, 1928), pp. 143 *et seq.*

were they obtained, by breeding or by purchase, and what did they cost? On what kind of work were they employed and under what conditions? What was the relative cost to the employer of servile and free labour, and how did their standard of living compare?

It is easier to ask these questions than to answer them. Reliable population statistics for the ancient world are extremely rare, and there are no trustworthy figures for numbers of slaves. It is however possible to make a rough estimate for Athens in the latter part of the fourth century B.C. We know that the adult male citizens numbered 21,000 and the adult male resident foreigners 10,000. This implies a total adult free population of both sexes of 60,000 or more, and a total free population including children of at least twice that figure. We also know the amount of corn grown in and imported into Attica, and the annual consumption which was considered normal for a man. We can thus calculate the corn consumed by the free population, and by deducting this amount from the total available find how much was left to feed slaves. The maximum possible number of slaves who could have been maintained is on this calculation about 20,000, or one slave to every three adult free persons.<sup>1</sup> A considerable number of the slaves must have been domestic servants. If, as Demosthenes implies, most of the citizens liable to payment of war tax, who numbered about 6,000, owned a servant girl, this would account for say 5,000.<sup>2</sup> Resident foreigners on this basis would have owned another 2,500, and there were, of course, many more prosperous families, both citizen and alien, which had larger domestic staffs. It would probably not be an overestimate to allocate 10,000, or half the slave population, to domestic service, leaving 10,000 to industry and agriculture, or one to three free adult males.

We hear little of agricultural slavery, and slaves were in fact probably little employed on the land. Most of Attica was cultivated by small peasant proprietors who had no need for slave labour, even if they could have afforded it. There was a small class of wealthier landlords who did not work their own land, but their estates often consisted of a number of scattered farms, some of which were let to free tenants. Only the home farm where the landlord resided was normally cultivated by slaves.<sup>3</sup>

Slaves were more commonly employed in industry. To begin at the bottom end of the social scale, a cripple, pleading for the continuation of his public assistance, declares: 'The craft which I practise cannot help me much. I already (he is getting on in years) find difficulty in doing the work myself, and I have not yet been able to acquire anyone to take it over.'<sup>4</sup> As Xenophon puts it, 'those who can, buy slaves so as to have fellow workers'.<sup>5</sup> That is, craftsmen who could afford it bought slaves and trained them as assistants, hoping ultimately to retire and live in their declining years on the proceeds of their work. Socrates cites five contemporaries, including a miller, a baker and a clothier, who lived in some affluence on the labour of their slaves.<sup>6</sup> Industrial slaves were also one of the recognized forms of investment for the wealthy; Socrates couples them with land and house property as possible sources of unearned income.<sup>7</sup> We occasionally meet with comparatively large industrial slave establishments. Demosthenes' father owned thirty-two cutlers and twenty bed-makers.<sup>8</sup> Pasion, besides his bank, had acquired before he died land to the value of 20 talents

<sup>1</sup> *Econ. Hist. Rev.* viii (1955), 142-3.

<sup>2</sup> See p. 185, n. 2 *supra*.

<sup>3</sup> *Past and Present* 1 (1952), 20-1; *Econ. Hist. Rev.* viii (1955), 144, 150-1.

<sup>4</sup> Lysias, xxiv, 6.

<sup>5</sup> *Xen. Mem.* ii, iii, 3.

<sup>6</sup> *Ibid.* ii, vii, 3-6.

<sup>7</sup> *Ibid.* iii, xi, 4.

<sup>8</sup> *Dem.* xxvii, 9.

and a shield factory which brought in a talent a year.<sup>1</sup> The brothers Lysias and Polemarchus owned another shield factory comprising nearly 120 slaves.<sup>2</sup> This is by far the largest industrial establishment of which we know, and was probably exceptional. It had attained this size at the end of the Peloponnesian War, when there had been a prolonged and heavy demand for armaments, and its owners were foreigners, and therefore precluded from investing their money in land or house property. The average wealthy citizen in normal times, to judge by the half dozen estates which Isaeus describes in his speeches, put most of his money into land and houses, and rarely owned more than a dozen industrial slaves.<sup>3</sup>

Industrial slaves might be mere hands, fed and clothed by their owner. Demosthenes senior's slaves were apparently of this type. They seem to have worked in his house, for no factory building is included in the estate, and he bought the raw materials—Demosthenes includes in the valuation of the estate the stock of ivory and iron in hand:<sup>4</sup> he also marketed the finished products.<sup>5</sup> It was, however, also a common practice for owners of industrial slaves to let them work independently, collecting from them a fixed rent and allowing them to keep for themselves whatever they earned in addition. Thus Timarchus owned a little factory of nine or ten shoemakers, whose foreman paid him 3 obols a day and the other hands 2 obols each.<sup>6</sup> Such industrial slaves, who 'lived apart', as the Athenians expressed it, seem to have formed a substantial part of the population; they could on occasion be included in the call-up to man a fleet, together with resident foreigners.<sup>7</sup> Such a slave could be sold as a going concern, with his assets and liabilities—and the latter might exceed the former, as Epicrates found to his cost. Being enamoured of a boy he was bamboozled into buying his father Midas and his brother too and the perfumery which Midas ran, with its stock and outstanding debts. He paid 40 minae ( $\frac{2}{3}$  talent) and discovered too late that there were 5 talents owing to sundry creditors.<sup>8</sup>

The great majority of Athenian industrial slaves worked in the silver mines of Laurium. The number fluctuated greatly. In the fifth century, before the occupation of Deceleia by the Spartans in 413, the mines were very intensively worked. Xenophon, writing two generations later, implies that at that period well over 10,000 slaves were employed in them,<sup>9</sup> and this is not impossible. In the fifth century the free population, both citizen and foreign, was much larger than in the fourth, and the total number of slaves was likewise larger; according to Thucydides over 20,000 slaves, mainly industrial, escaped during the Deceleian War.<sup>10</sup> From 413 till about 340 the mines were neglected; Xenophon implies that in his day the number of slaves employed in them was very small, since he thought they could easily absorb 6,000 or even 10,000 additional workers.<sup>11</sup> From the 330's the mines were again very actively exploited, but we have no reliable figures for the number of slaves employed.

Some mining entrepreneurs owned their slaves: we know of one who possessed thirty with a workshop for crushing and smelting the ore, and who raised his working capital to buy concessions from the state by loans on their security.<sup>12</sup>

<sup>1</sup> *Idem*, xxxvi, 4-5, 11.

<sup>2</sup> Lysias, xii, 19.

<sup>3</sup> Dem. xxvii, 10, 30-3.

<sup>4</sup> Aeschines, in *Timarchum*, 97.

<sup>5</sup> Hypereides, v, 5 *et seq.*

<sup>6</sup> Thucydides, vii, 27, 5.

<sup>7</sup> Xenophon's evidence is confirmed by the inscriptions, see *Hesperia*, xix (1950), 189 *et seq.*

<sup>8</sup> Dem. xxxvii, 4 *et seq.*

<sup>9</sup> *Econ. Hist. Rev.* viii (1955), 151, n. 1.

<sup>10</sup> *Ibid.* 19-22.

<sup>11</sup> Dem. iv, 36.

<sup>12</sup> Xen. *Vect[igalia]*, iv, 25.

Other entrepreneurs hired their slaves. This was according to Xenophon a common practice in the fifth century. Nicias is said to have owned 1,000 slaves whom he leased to a mining entrepreneur for 1 obol a day, the lessee feeding them and replacing casualties, and two other wealthy Athenians are said to have exploited gangs of 600 and 300 slaves in the same way.<sup>1</sup> Xenophon recommended that the state should go into the business in a large way. It was, according to him, highly profitable. He does not state what unskilled labourers cost, but he does say that if the state bought 1,200 initially, and used the resulting income to build up its stock, in five or six years it would possess 6,000.<sup>2</sup> This calculation, assuming that Xenophon was capable of working out the sum involved in compound interest, is based on a price of between 125 and 150 drachmae. There is some corroborative evidence that this is a plausible figure. Xenophon elsewhere speaks of slaves being worth very different sums, one 2 minae, another not half a mina, others five or ten (these must be skilled men).<sup>3</sup> Demosthenes in a forensic speech mentions a slave being sold for 2 minae,<sup>4</sup> and in another of two being valued at  $2\frac{1}{2}$  minae<sup>5</sup> (these were agricultural labourers; the price of 125 drachmae agrees closely with the figure for miners). Finally in 414-413 a batch of sixteen slaves, the confiscated property of an alien residing in the Peiraeus, fetched 2,552 drachmae when auctioned.<sup>6</sup> These included a boy who was sold for only 72 drachmae, but some, who fetched figures like 300 or 240, were doubtless skilled men, and most will have been of superior quality to miners. The average price is nevertheless only 160 drachmae each.

A rent of an obol a day (60 drachmae a year) for a slave costing 125 or 150 drachmae would give the owner a net return of at least 40 per cent per annum, or perhaps nearly 50 per cent, on his capital. This does not allow for periods of unemployment, for Xenophon insists that the silver mines have a virtually inexhaustible capacity for absorbing labour. Nor does it allow for amortization; though the lessee replaced casualties, the time would come when some of the men would grow too old to find a hirer. But if a slave had an average useful life of twenty years it would not at the low prices prevailing make much difference. To amortize a slave worth 150 drachmae would require  $7\frac{1}{2}$  drachmae a year, and if this sum is deducted from his rent of 60 drachmae a year, the return drops from 40 to 35 per cent.

The lessee seems also to have done well out of the transaction. The Eleusis accounts of 329 and 326 B.C. show that the state paid  $1\frac{1}{2}$  drachmae a day for unskilled labour and allowed 3 obols ( $\frac{1}{2}$  drachma) a day for feeding public slaves, also unskilled labourers.<sup>7</sup> On these figures a mining entrepreneur would pay 9 obols a day for free labour, as against 4 obols (3 for food and 1 for hire) for slave labour; he would also have to make some allowance for replacement of clothes and for making good casualties, but the margin seems ample for this. In Xenophon's day the figures may have been rather lower, for prices rose rapidly in the second half of the fourth century. Demosthenes in 351 reckoned the cost of feeding a standing army, partly citizen and partly mercenary, at only 2 obols a day.<sup>8</sup> This figure is rather suspect, as he is trying to persuade the

<sup>1</sup> Xen. *Vect.* iv, 14-15.

<sup>2</sup> *Ibid.* iv, 23.

<sup>4</sup> Dem. xli, 8.

<sup>6</sup> M. N. Tod, *Greek Historical Inscriptions*<sup>2</sup> (Oxford, 1948), no. 79.

<sup>7</sup> *Inscriptions*] *G[raecae]*, II-III<sup>2</sup>, 1672, ll. 4-5, 42-3, 117-18, 141-2.

<sup>8</sup> Dem. iv, 28.

<sup>3</sup> Xen. *Mem.* II, v, 2.

<sup>5</sup> *Idem*, lIII, 1.

people that his project will not be too expensive, but he can hardly have proposed giving less than a slave ration to soldiers without making himself ridiculous. On the other hand, wages at the end of the fifth century were only 1 drachma a day.<sup>1</sup> On this basis the cost of free labour would be 6 obols as against 3 for servile.

Skilled slave craftsmen do not seem to have brought in quite so high a return. Demosthenes declares that his father's cutlers were worth 5 or 6 minae each, or at the lowest reckoning 3 minae, and that his group of thirty-two or thirty-three brought in a net income of 30 minae a year. On the lowest valuation the return is 30 per cent, on the higher figures 15 or 20 per cent. He does not state the value of the twenty bed-makers, but as they were held as a pledge for a loan of 40 minae, they must have been worth well over 2 minae each. They brought in a net income of 12 minae a year, which is 30 per cent on the amount of the loan for which they were pledged, but less on their real value.<sup>2</sup> Timarchus' shoemakers who paid him 2 obols a day will have brought him in 120 drachmae a year each, or 40 per cent, if they cost only 3 minae, from 20 to 25 per cent if they cost 5 or 6. As one could normally get 12 per cent on loans with good security, such as mortgages, investment in skilled industrial slaves does not seem to have been very profitable, when allowance is made for amortization, which was a more serious matter when valuable skilled slaves were concerned, and for market risks. Demosthenes' guardians alleged, whether truly or not, that since his father's death the slaves had often been idle as their products were unsaleable.<sup>3</sup>

### III

It is often stated that the competition of slave labour depressed the standard of living of free workers. It is impossible to disprove this statement, since we cannot know how much free workers would have earned if there had been no slaves, but the probabilities are against it. A slave craftsman 'living apart' was in no position to undercut his free neighbour, since he had not only, like him, to maintain himself and his family, if any, but also to pay his rent to his master. There is no evidence that owners of slave factories undercut free craftsmen. They seem to have preferred to sell their products at prevailing prices, and make as large a profit as they could: Demosthenes' guardians did not claim that they had sold off the products of his factory cheap, owing to the alleged glut, but that they did not sell them at all, or alternatively suspended the slaves' work. With hired labour the case was rather different. Where there was continuous employment, as in the mines, slave labour, whether owned by the entrepreneur or hired by him from a big slave owner like Nicias, was so much cheaper than free that it displaced it altogether. We hear of poor Athenians working their own claims with their own hands,<sup>4</sup> but never of hired free miners. But in casual employment, such as building or harvesting,<sup>5</sup> hired slaves and free men were employed indifferently. We do not know what the practice of private employers was, but the Athenian state, as the temple building accounts prove, paid the same rate (which was two or three times the cost of maintaining a slave) to

<sup>1</sup> IG, I<sup>2</sup>, 373-4, analysed by R. H. Randall in *American Journal of Archaeology*, LVII (1953), 199-210.

<sup>2</sup> Dem. xxvii, 9.

<sup>3</sup> Dem. xxvii, 19-21.

<sup>4</sup> Xen. *Vect.* iv, 22; Dem. xlii, 20.

<sup>5</sup> See Dem. liii, 19-21 and LVII, 45 for hired slaves and free persons in harvesting. For building, see next note.

free workers or hired slaves<sup>1</sup>. Slave owners who hired out their slaves evidently preferred to make a handsome profit by charging full current wage rates for their services rather than to undercut free workmen: they had after all to cover themselves against the periods of unemployment inevitable in casual work, when the slaves would be earning nothing but still had to be fed.

The reason that unskilled slave labour was so profitable to the owner was that slaves were fantastically cheap. The price of an unskilled man was, we have seen, from 125 to 150 drachmae. The cost of feeding him was, at Demosthenes' figure of 2 obols a day, 120 drachmae a year, or at the rate of 3 obols actually paid in 329 by the Athenian state to its slave labourers 180 drachmae a year: and a slave had to be clothed and shod as well as fed. A slave, that is, cost initially about a year's keep at the outside. Slave merchants could hardly have made a profit unless they acquired their wares for nothing or next to nothing and sold them very rapidly. Piracy and kidnapping were in fact common at this period, and there were large backward and unsettled areas nearby, where continual inter-tribal warfare produced a glut of prisoners. It was only in such conditions that slave labour was cheap enough to play the not inconsiderable role that it did in Athenian economy. Yet even here it was only when the slave was put to work as an unskilled labourer in the mines that he undercut the free man.

#### IV

Another time and place where slavery played an important role was Italy and Sicily during the last two centuries of the Republic. It was a period of constant wars, ruthlessly conducted, which threw many thousands of prisoners on to the market. It was also a period when piracy flourished unchecked until it became so intolerable a nuisance that in 67 B.C. Pompey was voted a vast fleet and army to clear the seas. He did so temporarily, but during the civil wars that followed piracy revived. Slaves should have been dirt cheap and very plentiful. Price figures are unfortunately almost entirely lacking for the western Mediterranean. After the battle of Cannae (216 B.C.) Hannibal offered to release his prisoners on the following scale of ransoms: 500 quadrigati for a Roman cavalryman, 300 for a Roman infantryman, 200 for an Italian ally, and 100 for a slave.<sup>2</sup> This scale is incidentally a warning against using ransoms as equivalent to slave prices; a free captive (or his relatives) could be expected to pay substantially more (according to his status) for his freedom than his commercial value. The figure for slaves is presumably roughly the current market price. In silver content 100 quadrigati were equivalent to about 150 Athenian drachmae, so that the price is low even by Athenian standards. In the eastern Mediterranean we have the Delphic manumission records for the last two centuries B.C. Here, out of about 700 prices, some 58 per cent range from 3 to 4 minae and another 14 per cent up to 5. Above 5 minae (mostly 6, 8 or 10) are 12 per cent, and below 3 minae (mostly 2–2½) are 14 per cent.<sup>3</sup> These figures represent select slaves of good quality, who alone would be likely to earn their manumission, the overwhelming majority adults. It is not improbable also that manumission prices were higher than the market rate; for masters were in a strong bargaining position and slaves might have been willing to pay more for their freedom than they would fetch on the open market. Taking these

<sup>1</sup> IG, I<sup>2</sup>, 373–4. See p. 190, n. 1 *supra*.

<sup>2</sup> Livy, xxii, 52 and 58.

<sup>3</sup> A. Calderini, *La manomissione e la condizione dei liberti in Grecia* (Milan, 1908), p. 214.

factors into account, the figures suggest a range of slave prices not dissimilar from that prevailing at Athens in the fourth century B.C. where skilled adults cost 3 to 5 minae.

As at Athens in the fifth and fourth centuries B.C. servile labour was employed on a large scale in the mines: Polybius records that in his day 40,000 worked in the great silver mines near Carthagena in Spain.<sup>1</sup> According to Diodorus, who draws his information from a contemporary source, Posidonius, the slaves were ruthlessly driven, and only the hardiest lived long.<sup>2</sup> This implies that the supply was abundant and very cheap. There were however limits beyond which the employment of slave labour became unprofitable. Strabo tells us of a realgar mine in Paphlagonia where the mortality among the workers was so high, owing to the poisonous atmosphere, that the contractors, although they used the dregs of the slave market (slaves sold off because of their crimes), often abandoned their operations.<sup>3</sup>

The novelty of this period is the extension of slave labour in a big way to agriculture. The reasons for this are well known. The Roman aristocracy, both senatorial and equestrian, were acquiring vast money fortunes from the exploitation of the empire, and investing them in land. The peasant proprietors of Italy were hard hit by long term military service, and were compelled to sell their plots. Great estates thus grew up at the expense of small holdings, and as slaves were very cheap, the owners used them in preference to free labour. It is impossible to estimate how far the process went. The peasant proprietor was certainly never eliminated in Italy, but the reduction in their numbers was sufficiently serious to alarm the more thoughtful members of the aristocracy. The succession of agrarian laws, begun by Tiberius Gracchus, did something to check the process, but the great servile revolt under Spartacus shows that agricultural slaves must still have been very numerous in Italy in the 70's.

Cato's and Varro's treatises on agriculture imply that landlords used slave labour for all types of farming, for arable, vineyards, oliveyards and cattle ranches alike, but that they also hired labour for the peak periods, the harvest, the vintage and the olive-picking:<sup>4</sup> Varro also recommends the use of hired labour on unhealthy farms.<sup>5</sup> It appears then that the maintenance of a slave was a sufficiently serious item in the landlord's budget to make him keep a small permanent staff only, and that the cost of a slave was high enough to make frequent replacements uneconomic. Not all great landlords cultivated their estates with slave labour: in the Civil War Domitius manned six ships with his shepherds, who were slaves, and with his free tenants (*coloni*).<sup>6</sup> There seems to have been a considerable landless rural population, presumably dispossessed peasants, who continued to make a living as hired labourers, mainly in the harvest and vintage season. Tiberius Gracchus was able to command an overwhelming majority of voters when he proposed his land distribution bill in the winter, but, we are told, when he stood for re-election in the summer and tried to call on the rural voters, they did not respond, being busy with the harvest, and he was defeated.<sup>7</sup> It was from this class that the armies of the late Republic

<sup>1</sup> Cited by Strabo, III, 147.

<sup>2</sup> Diodorus, V, 36.

<sup>3</sup> Strabo, XII, 562.

See W. E. Heitland, *Agricola* (Cambridge, 1921), pp. 164 *et seq.*, 178 *et seq.*

<sup>5</sup> Varro, *de re rustica*, I, 17.

<sup>6</sup> Caesar, *de bello civili*, I, 34 and 56. Varro (*op. cit.* I, 2, 17; II, 3, 7) also alludes casually to tenancy agreements.

<sup>7</sup> Appian, *Civil Wars*, I, 14, 2-3.



must have been largely recruited, particularly after Marius introduced voluntary enlistment and waived the minimum property qualification for service.<sup>1</sup>

The wars of Augustus in Spain, Germany, the Alpine areas and Illyricum and Pannonia put large numbers of prisoners on the slave market, but with the cessation of great wars of conquest after his death this source of slaves dried up. From the beginning of the Principate the establishment of law and order within the empire cut off the other main source of supply, piracy and brigandage. Most slaves must have been bred during this period. This proposition is not susceptible of proof, but there are some indications in its favour. Of the slaves whose provenance is known the great majority come from within the empire, usually from the same area in which they lived, and few from beyond the frontiers.<sup>2</sup> The law took an increasing interest in the offspring of slaves. By the *senatusconsultum Claudianum* of A.D. 52, if a free woman cohabited with a slave, his owner was empowered to claim her (and her subsequent offspring) as his slave.<sup>3</sup> The legal position of infants who were exposed and brought up as slaves became an important issue: Trajan upheld the old principle that their free status was unprejudiced, but other emperors ruled that the parents could not reclaim them or could do so only if they repaid the cost of their upbringing.<sup>4</sup> In the *familia Caesaris*, the great body of imperial slaves and freedmen who filled the lower grades of the bureaucracy, hereditary service seems to have been the normal rule. Countless tombstones record freedmen of Augustus whose sons are also freedmen of Augustus, and must have been born in servitude. The emperor apparently did not free his slaves until they had produced slave sons to succeed them in the service.<sup>5</sup>

Home bred slaves must in the nature of things be rather expensive articles. The master has to allow his slave enough to keep his wife, who may be economically superfluous, and his children, who will be of little use until they reach their 'teens, and many of whom, under ancient conditions, will have died before reaching working age. Cato's ideal olive farm and vineyard were manned by twelve and sixteen male workers respectively, of whom only one, the bailiff, was allowed a wife.<sup>6</sup> The food and clothing bill would have been doubled or trebled, and no more work done, if he had allowed all his hands to keep a family to maintain the human stock of the farm.

In these circumstances one could *a priori* expect slaves to become scarce and dear. The recorded prices of slaves are in fact high. In Dacia in the middle of the second century a girl of six fetched 205 denarii, a woman (a Cretan) 420, and a man (a Greek) 600.<sup>7</sup> At the same period a boy of seven (from beyond the Euphrates) was sold at Seleucia of Syria for 200, a girl of twelve (a Phrygian) at Side of Pamphylia for 350 and an adult woman (from Marmarica) at Ravenna for 625 denarii.<sup>8</sup> The literary allusions are consistent with the documents. Petronius<sup>9</sup> speaks of 300 denarii as a bargain price for a sharp-witted Jewish boy, Horace<sup>10</sup> quotes 500 drachmae as a typical price for an ordinary

<sup>1</sup> Cf. Appian, *op. cit.* I, 29, 4; Sallust, *Jugurtha*, 73, 6.

<sup>2</sup> M. Bang in *Mitteilungen des kaiserlichen deutschen archaologischen Instituts, Römische Abteilung*, xxv (1910), 223-55.

<sup>3</sup> Tacitus, *Annals*, xii, 53.

<sup>4</sup> Pliny, *Ep[istulae]*, x, 65-6.

<sup>5</sup> *Journal of Roman Studies*, xxxix (1949), 43.

<sup>6</sup> Cato, *de re rustica*, 10, 11, cf. Varro, *de re rustica*, 1, 18.

<sup>7</sup> S. Riccobono, *F[ontes] I[uris] R[omani ante Justinianum]*<sup>2</sup> (Florence, 1943), iii, 87, 89, 88.

<sup>8</sup> *Op. cit.* iii, 132-4.

<sup>9</sup> *Satyricon*, 68.

<sup>10</sup> *Satires*, ii, vii, 43. At this date denarius and drachma are equivalent, except in Egypt where four Alexandrian drachmae were equal to one denarius.

slave of poor quality, and Martial<sup>1</sup> records a bid (refused) of 600 denarii for a prostitute. This is a consistent range of prices, which prevails throughout the empire with one exception, Egypt. Here we find one comparable price, a home born youth of seventeen sold at Alexandria in A.D. 154 for 2,800 local drachmae (= 700 denarii).<sup>2</sup> The other prices (eight adults) range from 1,500 to 1,000 drachmae (= 375–250 denarii).<sup>3</sup> The export of home born slaves from Egypt was prohibited by the Roman government<sup>4</sup> and the local demand was low—almost only for domestic service. Egypt was thus, in this as in many other things, economically segregated from the rest of the empire, and followed its own rules.

The range of prices from the rest of the empire indicate that 500 to 600 was a normal price for an unskilled adult. In fact we know that much larger sums were paid for skilled men: Horace<sup>5</sup> quotes 2,000 denarii for a handsome boy, educated in Greek, and Columella,<sup>6</sup> writing under Nero, recommends paying the same sum for a trained vinedresser. The figure of 500 to 600 denarii is then comparable with the 125 to 150 drachmae paid for an unskilled slave at Athens. In silver content 600 denarii are equivalent to 450 drachmae, so that the Roman price reckoned in silver is about three times the Athenian. But the purchasing power of the denarius was much higher than that of the drachma. Wheat at Athens was cheap at 5 drachmae to the medimnus,<sup>7</sup> in the Roman empire at 2 sesterces to the modius:<sup>8</sup> that is 5 drachmae would buy the same quantity as 3 denarii. The minimum ration allowance allowed by Demosthenes for his proposed standing away was 2 obols a day or 120 drachmae a year. A Roman soldier had 60 denarii a year deducted from his pay for rations.<sup>9</sup> On this basis a slave in the second century cost eight to ten times his annual keep as against a year or a year and a quarter's keep in fourth-century Athens.

## V

Columella, writing a handbook for the gentleman farmer under Nero, still recommends the use of slaves in the home farm, but advises letting outlying properties to free tenants, especially if they are arable.<sup>10</sup> For vineyards he appears to assume that slave labour will be used, expensive though it is.<sup>11</sup> Pliny, a generation later, often speaks of his troubles with his tenants: they demand remissions of rent, but nevertheless fall into arrears, he thinks of letting his farms on a share of the crop instead of a fixed money rent, he has difficulty in finding suitable tenants.<sup>12</sup> He never speaks of slaves, and says in fact that he nowhere used chained slaves.<sup>13</sup> As, however, he sold the crops of his vineyards to contractors<sup>14</sup> he must have cultivated these by direct labour, which probably means slaves. The third-century lawyers reveal a similar mixture:

<sup>1</sup> VI, 66, 9.

<sup>2</sup> *Journal of Egyptian Archaeology*, xvii (1931), 4.

<sup>3</sup> *Aegyptische Urkunden aus den staatlichen Museum zu Berlin, Griechische Urkunden* (= BGU), III, 805; IV, 1114, 1128. *Oxyrhynchus Papyri* (= P. Oxy.), 95. *Aegyptus*, XIII (1933), 230. *Griechische Papyrusurkunden der Hamburger Staats- und Universitätsbibliothek*, 63. *Sammelbuch Griechische Urkunden aus Aegypten*, 6016. *P. Col. inv.* 512 (unpublished, cited by W. L. Westermann. *The Slave Systems of Greek and Roman Antiquity* (Philadelphia, 1955), p. 101, n. 116).

<sup>4</sup> BGU, v, 65–7, 69.

<sup>5</sup> *Epodes*, II, ii, 5.

<sup>6</sup> *Ibid.* III, 3, 6.

<sup>7</sup> Dem. xxxiv, 39.

<sup>8</sup> *Econ. Hist. Rev.* v (1953), 295.

<sup>9</sup> H. M. D. Parker, *The Roman Legions* (Oxford, 1928), p. 217.

<sup>10</sup> Columella, I, 7, 8.

<sup>11</sup> *Idem*, III, 3, 6.

<sup>12</sup> Pliny, *Ep.* III, 19; VII, 30; IX, 37; X, 8; cf. IX, 36.

<sup>13</sup> *Ibid.* VII, 19.

<sup>14</sup> *Ibid.* VIII, 2; cf. IX, 20.

the bequest of an estate might include agricultural slaves,<sup>1</sup> and also the arrears of free tenants.<sup>2</sup> They also show that the slaves commonly had families.<sup>3</sup> One gains the general impression that slaves were used on the home farm attached to a residential villa and for more highly skilled jobs, like vinedressing, but that ordinary arable farming was left to free tenants: and, moreover, that agricultural slaves were normally bred.

This evidence applies mainly to Italy. For the provinces our evidence is very scanty save for two areas, Egypt and Africa. In Egypt, where agricultural slavery had never existed, the land continued to be cultivated by free peasants as tenants either of the state, the temples, or private landlords. In Africa we know from literary and legal sources of private landlords who owned agricultural slaves,<sup>4</sup> but a series of inscriptions reveal that on the great imperial estates the head tenants (*conductores*) sublet most of the land in small lots to free working tenants (*coloni*). They must have kept some land in hand, no doubt cultivating it with slaves, for the *coloni*, in addition to their rent—a share, normally a third, of the crop—owed labour services—six to twelve days a year at the three peak periods of ploughing, hoeing and harvest.<sup>5</sup>

There is a change in mining also. Some mines and quarries were worked by convict labour: it is significant that *damnatio ad metallum* under the Principate becomes a common alternative to the death penalty, especially for the lower classes.<sup>6</sup> But free labour was also employed. We possess a number of second-century indentures in which free men leased their labour for six months or a year in the Dacian gold mines: in the only specimen where all the relevant figures are preserved the rate of pay is 70 denarii plus food for six months.<sup>7</sup> This is equivalent to 200 denarii a year, or two-thirds of what a private in the army received at that period. In the *Lex Metalli Vipascensis* of Hadrianic date the mines are no longer leased as a whole to contractors (*conductores*) who employ large gangs of slaves, but individual shafts are let or sold by the resident imperial agent (*procurator*) to tenants (*coloni*) who appear to be working miners, often grouped in partnerships, sometimes employing slave or hired labour.<sup>8</sup>

On the other hand slaves seem to have been extensively used in commerce and industry, in Italy at any rate. This is implied by the elaborate rules which were evolved to define the legal responsibility of owners for their slaves' commercial transactions. The law held the owner, unless he expressly and publicly disclaimed responsibility, liable in full for the debts and contracts of his *institor*, the slave whom he put in charge of a shop or business.<sup>9</sup> If the owner had disclaimed responsibility, creditors had two alternative remedies, the *actio peculii* and the *actio tributoria*.<sup>10</sup> Under the former they could recover from the slave's *peculium*, the sum which was by his master's consent under his control; but the master in this case had a prior claim to recover debts owing to himself by his slave. Under the latter, all creditors, including the owner, could recover in proportion to their claims from the *merces pecularis*, the stock of the business

<sup>1</sup> *Dig.* xxxiii, vii, 3, § 1; 8; 12, §§ 2–9, 35, 37, 46; 18, §§ 6–7, 11, 13; 19; 20, §§ 3, 5–6, 9, etc.

<sup>2</sup> *Ibid.* xxxii, 78, § 3; 91, pr. § 1; 97; 101, § 1; xxxiii, ii, 32, § 7; vii, 20, pr. §§ 1, 3; 27, § 1.

<sup>3</sup> *Ibid.* xxxiii, vii, 12, §§ 7, 33. Trimalchio is represented as breeding slaves on a vast scale on his estates (Petronius, *Satyricon*, 53).

<sup>4</sup> Apuleius, *Apologia*, 93 (400 slaves, most probably agricultural, being associated with lands, crops and stocks), cf. 17 and 47 for allusions to agricultural slaves; Herodian, vii, iv, 3; *Dig.* xxxiii, vii, 27, § 1.

<sup>5</sup> *FIR*, I, 100–3.

<sup>6</sup> This penalty is first recorded under Trajan (Pliny, *Ep.* x, 58) and Hadrian (Pomponius in *Dig.* xl, iv, 46).

<sup>7</sup> *FIR*, iii, 150.

<sup>8</sup> *FIR*, I, 104.

<sup>9</sup> *Dig.* xiv, iii.

<sup>10</sup> *Dig.* xiv, iv.

which the slave carried on, which might be less than the *peculium*, as it did not include the slave's personal assets.

It cannot be necessarily deduced from these legal rules that the conditions for which they provided were widespread, but their evidence is supported, for Italy and to a lesser extent for southern Gaul and Spain, by that of the inscriptions, which show a very large number of freedmen engaged in industry and trade. Some of these freedmen were former domestic slaves, who learned a craft or opened a shop after manumission in order to support themselves,<sup>1</sup> but it seems likely that the majority of them started as slave *institores*, and purchased their *merces peculiaris* together with their freedom. It must, however, be stressed that the evidence which we possess is geographically limited. In Egypt, where our knowledge, thanks to the papyri, is fullest, industrial slavery is almost unknown. In general we find only free independent craftsmen, apart from one allusion to free hired labour in the weaving industry.<sup>2</sup> Elsewhere in the East evidence is scanty, but we know that at Tarsus, a great centre of the linen industry, the weavers were free men, too poor indeed to afford the 500 drachmae fee required for inscription on the local citizen register, but according to Dio Chrysostom<sup>3</sup> otherwise worthy of the citizenship.

It would seem that under the Principate the price of slaves was too high to allow their employment in unskilled labour, but that it was now relatively more profitable to use them in skilled jobs, in agriculture, for instance, as vinedressers, and as craftsmen in industry and agents in trade. This development would have been helped by the growing practice of breeding slaves; for the son of a skilled slave could be early apprenticed to his trade. It may reasonably be doubted whether the employment of slave labour, even in skilled work, was very profitable at this period, and its prevalence in Italy and the neighbouring provinces may be due to special causes. In these areas resided the great majority of Roman senators and *equites*, who filled the lucrative administrative and military posts throughout the empire. There was thus a continuous and considerable inflow of money, in the form of salaries and of less legal perquisites, into Italy, southern Gaul and Spain, and this money sought investment. It went mostly into land, but the amount of land was limited, and prices rose to exorbitant heights. Almost the only alternative investment was slaves, and even if they were not a very profitable investment they brought in something.

From the third century onwards public security deteriorated. In many parts of the empire brigandage became rife; the Isaurians, for instance, continually raided eastern Asia Minor and northern Syria. Constant border warfare brought in its crop of barbarian prisoners, and barbarian invaders carried off thousands of Roman citizens, whom they had sold back to the empire as slaves. Such persons could reclaim their freedom if they could repay their purchasers the price that they had paid for them, but for many this must have been impossible and they remained slaves. Nevertheless the demand for slaves still exceeded the supply, especially at a great centre of consumption like Rome. Symmachus, an immensely wealthy senator, went to the trouble of asking the praetorian prefect of Italy, then resident on the Danube, to buy him twenty slaves for use as stable boys, 'because on the frontier it is easy to find slaves and the price is usually tolerable'.<sup>4</sup> Slaves were normally bred, and there seems to have been a heavy demand for foundlings and for newborn babies (*sanguino-*

<sup>1</sup> *Dig.* xxxviii, i, 16.

<sup>2</sup> *P. Oxy.* 1414.

<sup>3</sup> xxxiv, 21-3.

<sup>4</sup> Symmachus, *Epistulae*, II, 78.

*lenti*) sold by their parents. This practice was by now legal,<sup>1</sup> and the sale of older children though illegal was widespread.<sup>2</sup>

In these circumstances slave prices might have been expected to fall somewhat from the high level prevailing in the second century A.D., and in fact they seem to have done so. In a schedule of prices, which Justinian laid down for the compensation payable to the joint owners of a slave whom one of the partners had manumitted, a child (up to ten) is valued at 10 solidi, an unskilled adult (male or female over ten) at 20 solidi, and a skilled man or woman at 30: substantially higher prices are assigned to eunuchs and to specialists such as notaries and doctors.<sup>3</sup> This schedule seems from the meagre evidence available to have been realistic. A Gallic boy of fourteen was sold at Ascalon in 359 for 18 solidi.<sup>4</sup> Palladius<sup>5</sup> tells a story of a man who sold himself for 20 solidi, and Leontius<sup>6</sup> of another who fetched as much as 30 in a similar transaction. As against this high price S. Remigius records in his will that he bought a man for only 14 solidi 'to prevent his being killed'.<sup>7</sup> A Visigothic Law<sup>8</sup> provides an interesting commentary on the price of 10 solidi at which Justinian assessed children under ten, and on the cost of breeding slaves. Parents were entitled to recover children whom they had exposed or sold as infants on payment of one solidus for each year of the child's age up to a maximum of ten. This, it is explained, was to cover his maintenance while he was not yet productive; after ten he was deemed to earn his keep by his work. Slave breeders had to reckon with heavy mortality, both during the first ten years and later, so that the commercial price of 20 solidi for any slave over ten was not so excessive as it might seem. But the wide margin between the cost of breeding slaves and their market price suggests that they had a rarity value. The standard price for an unskilled adult, 20 solidi, was equivalent in gold value to a little over 300 denarii, and four or five times the contemporary ration allowance (*annona*) of a soldier.<sup>9</sup> Slave prices had thus dropped to about half in real value of what they were in the peaceful days of the second century A.D., but were still four or five times as high as in Athens of the fourth century B.C.

In the mines slavery seems by the fourth century to have been extinct; some convict labour was still employed, notably Christian recusants in the Great Persecution,<sup>10</sup> but *metallarii* in the codes are assumed to be free men. In agriculture the codes show that slaves still existed side by side with free tenants. In industry the state weaving mills and dyeworks were manned by public slaves:<sup>11</sup> so also were the mints<sup>12</sup> and the imperial transport service, the *cursus publicus*.<sup>13</sup> In private industry on the other hand slaves seem to have been rare. We hear of one man of means, Thalassius of Antioch, who owned a slave-manned knife factory, precisely like Demosthenes, as Libanius pointed out,<sup>14</sup> and of

<sup>1</sup> *Fragmenta Vaticana*, 34, *Cod. Theod.* v, x, 1.

<sup>2</sup> *Cod. Theod.* iii, iii, 1; xi, xxvii, 2; Val[entinian], *Nov[ella]*, xxxiii; cf. Rufinus. *Historia Monachorum*, 16; Zosimus, ii, 38; Lib. *Or.* xlvi, 23; Cassiodorus, *Variae*, viii, 33.

<sup>3</sup> *Cod[ex] Just[inianus]*, vii, vii, 1.

<sup>4</sup> *FIR*, iii, 135.

<sup>5</sup> *Lausiac History*, 83.

<sup>6</sup> *Life of John the Almoner*, 22. The compensation payable for the murder of an unskilled slave (a ploughman or swineherd) is also 30 solidi in the *Lex Romana Burgundiorum*, ii, 6 (*M[onumenta] G[ermaniae] H[istorica]*, *Legum Sectio I*, ii, 127), but here a penal element may enter into the price.

<sup>7</sup> *MGH, Scriptores rerum Merovingicarum* iii, 339.

<sup>8</sup> *Lex Visigothorum*, iv, iv, 3 (*MGH, Legum Sectio I*, i, 194).

<sup>9</sup> Val. *Nov.* xiii, 3; *Cod. Just.* i, xxvii, i, §§ 22-38.

<sup>10</sup> Eusebius, *Ecclesiastical History*, viii, 12, etc.

<sup>12</sup> *Ibid.* x, xx, 10.

<sup>13</sup> *Ibid.* viii, v, 58.

<sup>11</sup> *Cod. Theod.* x, xx, 2, 3, 5, 7, 9.

<sup>14</sup> Lib. *Or.* xlii, 21.

humble persons in the province of Moesia, who though landless might qualify for the decurionate by their wealth in slaves.<sup>1</sup> In general, however, industry was carried on by free craftsmen of humble status grouped in guilds.<sup>2</sup>

What is abundantly clear from the sources is that slavery on the land and in the state industries was hereditary. The laws are much concerned with regulating the tangles which resulted from intermarriage between such slaves and free persons.<sup>3</sup> In the Diocletianic persecution some Christians were as a penalty enslaved and drafted into the state weaving mills,<sup>4</sup> but apart from this there is no hint that the government ever thought of adding to its hereditary stock. Landlords might sometimes restock a derelict farm with slaves,<sup>5</sup> but this was exceptional; indeed the prefect of the city once persuaded the Roman senators to contribute to famine relief by pointing out how disastrous it would be if they were forced to buy slaves to replace their starving peasants.<sup>6</sup> It would seem that on some estates a hereditary servile population had been established: we hear of agricultural slavery mainly in Italy,<sup>7</sup> and some western provinces,<sup>8</sup> where it was no doubt a survival from the conditions of the late Republic and early Principate. The state similarly was able to maintain its slave establishments by breeding. In private industry there was not the same continuity of ownership and the units were too small for hereditary groups to be established.

## VI

During this period the social and legal status of slaves and free persons both on the land and in the state industries tended to be assimilated. On the one hand owing to the acute shortage of manpower the government tended to 'freeze' workers in essential occupations, together with their children.<sup>9</sup> On the other hand slaves in the hereditary groups were allowed to hold property, and bequeath it to their children. In the state industries it is difficult to find other than technical differences between the *fabricenses* or arms manufacturers, who were legally soldiers, and the workers in the mints, weaving mills and dyeworks, who were legally slaves. Both were bound with their children to their trades; *fabricenses* were branded to facilitate their detection if they escaped. Both could hold and bequeath property.<sup>10</sup> In agriculture the free tenant was tied with his children to his plot of land from the reign of Diocletian, and later legislation forbade him to alienate his private property without his landlord's consent,<sup>11</sup> and deprived him of his right to bring civil actions against his landlord.<sup>12</sup> Valentinian I prohibited the sale of agricultural slaves apart from the land

<sup>1</sup> *Cod. Theod.* xii, i, 96.

<sup>2</sup> See my article, 'The economic life of the towns of the Roman Empire', *Recueils de la Société Jean Bodin*, vii (1955), 177 *et seq.*

<sup>3</sup> For the state industries see *Cod. Theod.* x, xx, 3, 5, 10, 15, 17 for mixed marriages and also viii, v, 58 and x, xx, 16 for wives and children. For agricultural slaves see *Val. Nov.* xxxi, 6; *Cod. Just.* xi, xlviii, 21 for mixed marriages; cf. *Cod. Theod.* ii, xxv, 1; *Cod. Just.* xi, xlviii, 7, lxviii, 3 and 4 for families.

<sup>4</sup> Eusebius *Vita Constantini*, ii, 34.

<sup>5</sup> *Cod. Theod.* v, xiii, 4.

<sup>6</sup> Ambrose, *de officiis*, iii, 47.

<sup>7</sup> *Vita Melaniae Junioris*, 10 and 18 (*Analecta Bollandiana*, viii (1889), 27, 33, xxii (1903), 13); letter of Pope Pelagius in P. Jaffé, *Regesta Pontificum Romanorum*<sup>2</sup> (Leipzig, 1885), i, 127, no. 956 (656).

<sup>8</sup> E.g. Orosius, vii, 40 for Spain, and *Lex Gundobada*, 54 (*MGH, Legum Sectio I*, ii, 88) for Gaul.

<sup>9</sup> See my *Ancient Economic History* (1948), pp. 12 *et seq.*

<sup>10</sup> On the *fabricenses* see *Cod. Theod.* x, xxii, on the other groups, *ibid.* x, xx.

<sup>11</sup> *Cod. Theod.* v, xix, 1.

<sup>12</sup> *Cod. Just.* xi, 1, 2.

which they cultivated.<sup>1</sup> They possessed their *peculia* or private property, which they could not alienate but which normally passed to their children.<sup>2</sup> Slave and free peasants intermarried freely, and the only practical distinction between them was that the status of their children followed different rules in mixed marriages.

If one may draw any general conclusions from this rather inadequate evidence, it would appear that gang slavery in its crudest form, the use of bought slaves for unskilled labour, flourished only in rather exceptional circumstances, when, owing to the prevalence of wars and piracy, prices stood at a rock bottom level, and then only in work in which they could be continuously employed. In these circumstances slaves tended to replace free labour. At Athens there is no evidence that this caused unemployment among the free population, or that it reduced wages in occupations, such as building, where slave and free unskilled labour were employed concurrently. In Italy, under the late Republic, on the other hand, peasants were thrown out of work by the increasing use of agricultural slaves. In the settled conditions of the Principate gang slavery tended to die out and did not revive in the later empire despite growing insecurity and a consequent fall in the price of slaves. Where agricultural slavery survived it was a heritage of the past, and the social and economic position of slaves on the land had become indistinguishable from that of free persons.

In skilled industrial employment, where the capital value of a slave depended less on his initial price and more on the cost of training him, the use of slaves did not vary so much according to the state of the slave market. In this sphere the profits of the master were not so great, both because of the relatively high capital value of trained slaves, and because it was generally found advisable to give such slaves economic incentives which brought their condition close to that of the free craftsman. As a result slaves do not seem to have competed with free persons by cutting prices. In skilled employments also the use of servile labour seems to become rare in the later empire, except in the large state factories, where the slaves were a hereditary class scarcely distinguishable from free persons.

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<sup>1</sup> *Ibid.* xi, xlviii, 7. This rule was revoked in Italy by Theoderic (*Edictum*, 142).

<sup>2</sup> Letters of Pope Gelasius (fr. 28 in A. Thiel, *Epistolae Romanorum Pontificum genuinae* (Brunsberg, 1867) and of Pope Pelagius (Migne, *Patrologia Latina*, lxi, 418)) mention apparently substantial *peculia* of agricultural slaves of the Roman Church. One had the temerity to make a will; this was disregarded by the Pope, who, however, allowed his property to pass to his sons.



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Capitatio and Iugatio

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## CAPITATIO AND IUGATIO

By A. H. M. JONES

Among the many fields of Roman history which Mr. Last has illuminated the later Roman Empire is not the least, and it was he who first encouraged me to embark on its study. I hope, therefore, that he will accept this contribution to the volume dedicated to his honour both as testimony to the wide range of his interests and as a token of personal gratitude.

The problem of *capitatio* and *iugatio* has provoked much controversy and many ingenious theories have been propounded for its solution. In the limited space available it would have been impossible to traverse these theories in detail, and I have therefore thought it best simply to set out the evidence and to see how much can be deduced from it. Two general points must be premised. First, the accurate use of technical terms is not to be expected from the draftsmen of the Codes. They were more concerned with elegance than clarity and to avoid clumsy repetitions made a free use of synonyms, thereby often blurring the precise meaning of technical terms. In interpreting the Codes it is the meaning (where it can be divined) rather than the precise wording of the laws which is significant. Secondly, the system of assessing land tax and other levies on *iuga* and *capita* combined in some way, which is the problem to be investigated, was not universally applied to all parts of the empire at all times. These points will be more fully developed later. For the sake of clarity I would first set out the less equivocal evidence for the system of *iugatio vel capitatio* in those periods and those parts of the empire where it was applied.

There are in the Codes a number of laws in which *iuga* (*iugatio*) and *capita* (*capitatio*) are coupled together as the units of assessment for various taxes and levies.

- (a) *Cod. Theod.* XI, xvi, 6 (346, 'ad vicarium Asiae'); *palatini* and citizens of Constantinople are to pay tax 'pro capitibus seu iugis suis'.
- (b) XI, xxiii, 1 (361, 'ad senatum'); it is ordered that for the *protostasia* 'nec cuiusquam alterius iuga aut capita senatorum censibus adgregentur'.
- (c) VIII, xi, 1 (364, a law of Valens to an unknown addressee); *discriptiones* are to be assessed 'pro capitacione aut iugacione'.
- (d) XI, vii, 11 (365, *CRP* of the West); taxes on imperial estates are levied 'pro iugacione vel capitacione'.
- (e) VII, vi, 3 (377, *PPO Or.*); a *vestis* is assessed in Thrace 'per viginti iuga seu capita', in Moesia and Scythia 'in triginta iugis seu capitibus', in Asiana and Pontica 'ad eundem numerum in capitibus seu iugis', but in Oriens and Egypt 'in triginta terrenis iugis'.
- (f) XIII, x, 8 (383, 'ad populum', a western law); grants of immunity whereby 'iugatio vel capitatio' had been removed from the tax registers are cancelled.
- (g) XV, iii, 5 (422, *PPO Or.*); landowners are to contribute to the repair of the roads 'pro iugorum numero vel capitum quae possidere noscuntur'.
- (h) XII, iv, 1 (428, *PPO Or.*); a *discriptio* is levied on *possessiones* formerly belonging to *curiales* 'pro singulis earum iugis et capitibus'.
- (i) XI, xx, 6 (430, *PPO Or.*); a proportion is reclaimed for the treasury of tax abatements 'eorum iugorum sive capitum . . . quae . . . relevata sunt'.

From these laws it is plain the *iuga* and *capita* were units in the assessment of estates, and that they were of equal value; this emerges most clearly from (e). From (e) it also appears that a tax might be levied on both units combined (as was usually the case) or on one only. On the nature of *iuga* there is no question: they were units of land. This is implied in *Cod. Theod.* XI, i, 15 (366, *PPO It.*), 'unusquisque annonarias species pro modo capitacionis et sortium praebiturus,' where *sortes* is substituted for the technical term *iugatio*, and is stated in (e) and in *Cod. Just.* XI, lii, 1 (c. 393, *PPO Or.*), 'per universam dioecesim Thraciarum sublato in perpetuum humanae capitacionis censu iugatio tantum terrena solvatur.' This law also informs us that *capitatio* covered human beings, and, since it states that as a result *coloni* were freed 'tributariae sortis nexu',

shows us that *coloni* were among these human beings. Theod., *Nov.* xxii, 2, § 12 (443, *PPO Or.*) amends law (*h*) by imposing the *discriptio* 'iugationibus tantum, non humanis vel animalium censibus neque mobilibus rebus'. This shows that *capita* included animals as well as human beings. Another law, *Cod. Theod.* v, xiii, 4 (368, *CRP* of the West), which rules that, if a tenant improved an imperial estate, 'quidquid mancipiorum vel pecoris adcreverit capitationis aut canonis augmenta non patiat' shows that agricultural slaves as well as *coloni* (and animals) came under the heading *capitatio*.

Similar information is contained in *Cod. Theod.* xi, xx, 6 ((i) above), a very complex law which requires detailed study. It first sets out the general ruling that wherever an assessment in *iuga sive capita* has been in any way reduced by special grant between 395 and the current year 430, one-fifth of the gain which has accrued to the owner thereby is to be refunded to the Treasury. Omitting all words irrelevant to our purposes the first sentence runs: 'eorum iugorum sive capitum . . . quae . . . relevata sunt . . . quinta pars commodi . . . arcae . . . societur.' There follows an exception: 'exceptis his quae in capitatione humana atque animalium diversis qualicumque [so the MS; Gothofredus emended to "qualitercumque"] concessa sunt.' There then follows a long section making the further concession that when the abatement was under 400 *iuga sive capita* the refund should be calculated upon half the figure only, and that when the abatement exceeded 400, the first 200 should not be counted. The relevant words are: 'ita ut omnium quae . . . in terrena sive animarum discriptione relevata sunt usque ad quadringentorum iugorum sive capitum quantitatem pars dimidia publicis censibus adiungatur,' etc. Omitting the exception made in the middle section, the meaning is plain enough: 'in terrena sive animarum discriptione' is a more explicit way of saying *iuga sive capita*, and emphasizes that abatements in both schedules of the assessment are subject to the refund. What, then, is the meaning of the exception? At first sight it would appear that *capitatio humana atque animalium* must be something different from *animarum discriptio*, and it has been suggested the former means 'slaves and animals' and the latter *coloni*. But this runs contrary to the plain meaning of the words and to their usage in the Codes: as shown above, *humanus* is used elsewhere to cover *coloni*. My own view is that the two phrases must mean the same thing: it is very characteristic of the draftsmen to use loosely synonymous phrases to denote the same thing, and when they wish to make a distinction they usually make it explicitly. I would suggest that what were excepted were separate abatements in *capitatio*: that is, where a landlord whose human and animal stock had fallen had obtained a corresponding reduction of his *capitatio* without claiming a reduction in his *iugatio* as well (as he might well do on the ground that he could not cultivate all his land with his reduced manpower and stock), the abatement should stand. Admittedly the draftsman has not made his meaning clear, but the text, as noted above, is corrupt, and may once have been clearer: perhaps some such words as 'speciali beneficio' have dropped out after 'qualicumque'.

Further light is thrown on the problem by the epigraphic census records which I discussed in *JRS* xliii (1953) 49 ff. The register of Magnesia on the Maeander (Kern, *Inscr. Mag. Mae.* 122) is a list of estates (with the owner's name added), assessed in ζύγα and κεφαλαί, or sometimes in ζύγα only; for a farm, especially a small farm, might have no resident tenant or slaves, or stock, registered on it, but be worked by a neighbouring freeholder or tenant. The Chios register (Déléage, *La Capitation du Bas-empire*, 182-6) give a more elaborate classification. Some estates are assessed in ζύγα and παροίκων κεφαλαί (*colonorum capita*); in others δούλων κεφαλαί and ζώων κεφαλαί are added. At Tralles (*BCH* 1880, 336-8) the register is by owners. Under each landlord come first δούλων καὶ ζώων κεφαλαί or ζώων κεφαλαί on various farms, and then the several farms, assessed at so many ζύγα and (in most cases) so many κεφαλαί; these last will represent *coloni* (with their animals). Lastly, at Astypalaea (*IG* xii, iii, 180), the property of Heracleidas is assessed: for each farm (except two which have ζύγα only) there is a figure of γῆς ζύγα and of ἀνθρώπων κεφαλαί, and these two figures are added together to form a total of ζυγοκεφαλαί (there is in some cases a fourth figure of ζύγα or ζυγοκεφαλαί which is added to the total of ζυγοκεφαλαί; it probably represents a supplementary assessment). The term ζυγοκεφαλῇ, it may be noted, recurs in laws of Anastasius (*Cod. Just.* x, xxvii, 2, § 8, ζευγῶν ἤτοι ζευγοκεφαλῶν) and Justinian (*Nov.*

17, 8, ζυγοκεφαλῶν ἢ ἰούγων), and in a fifth-century inscription from Mylasa (Grégoire, *IGC As. Min.* 1, 240, τῶν ζυγοκεφαλῶν).

The inscription from Astypalaea makes it plain that the total assessment of an estate was formed by adding together the *iuga* of land and the *capita* of persons (and animals, which are in fact, as I have argued in the article cited above, p. 53, n. 46, included in the ἀνθρώπων κεφαλαί), thus producing a total of *iuga vel* or *seu* or *et capita* (in Latin a handy portmanteau word like ζυγοκεφαλή, meaning 'assessment unit, whether *iugum* or *caput*', was never coined). *Prima facie* then it would seem that the assessment of an estate or farm was compiled as follows. The land was surveyed and the area of pasture, arable, vineyard, and oliveyard (or the number of olive trees) reduced to *iuga* on some such scheme as that set out in the Syro-Roman lawbook (for details see my article). The inhabitants (the owner, if resident, his resident *coloni*, and his and their slaves, and all their adult families) and the stock were then counted, and reduced to *capita* (for the details again see my article). The two totals were separately recorded, and also added to form the grand total of the assessment. The *annona* and other levies were normally assessed on the grand total, but payments might fall on the *iugatio* alone, as did *vestis* in Oriens and Egypt under *Cod. Theod.* VII, vi, 3, or on the *capitatio* alone, as did the levy 'annonarum et cellariensium specierum gratia' in Illyricum according to *Cod. Theod.* VII, iv, 32 (see below, p. 93, for similar μερισμοί on κεφαλαί in Egypt).

If this reconstruction of the system is correct it is unlikely that there was (in the periods and areas in which it prevailed) any separate poll tax. On the other hand, since heads of population formed a part of the assessment on which taxes were levied, it was possible to reduce a taxpayer's burden by remitting his *caput* and those of his dependants. Such remissions were made to *actuarii* (*Cod. Theod.* VIII, i, 3, A.D. 333) and to soldiers and veterans (*FIR*<sup>2</sup> I, 93, A.D. 311; *Cod. Theod.* VII, xx, 4; xiii, 6, 7, of A.D. 325, 370, and 375). Constantius II removed from the census lists the clergy with their families and servants (*Cod. Theod.* XVI, ii, 10, 14), a step which gave them immunity for the tax on their persons (cf. Basil, *Ep.* 104), but not for the tax on their land (*Cod. Theod.* XVI, ii, 15, § 2). Later, as the rural clergy grew in numbers, this immunity was curtailed. In 398 it was ruled that in villages and estates clergy 'eatenus ordinentur ut propriae capitacionis onus ac sarcinam recognoscant' (*Cod. Theod.* XVI, ii, 33; cf. *Cod. Just.* I, iii, 16, of A.D. 409).

On a similar principle Constantine ruled in 332 that the receiver of a fugitive *colonus* 'super eodem capitacionem temporis agnoscat' (*Cod. Theod.* v, xvii, 1). Justinian stiffened the penalty. The receiver was compelled 'omnis quidem temporis quo apud eum remoratus est publicas functiones sive terrenas sive animales pro eo inferre' (*Cod. Just.* XI, xlviii, 23, § 5): that is both the tax on the land which he should have been cultivating for his landlord, and that on his 'soul'.<sup>1</sup>

Most of the above laws are compatible with a straight poll tax, and have often been taken to allude to it. There are, however, two which strongly imply the contrary. In the Table of Brigetio (*FIR*<sup>2</sup> I, 93) soldiers are allowed to excuse four (see p. 257) *capita* 'ex censu adque a praestationibus sollempnibus annonariae pensitationis', and some veterans 'ab annonario titulo duo capita excusent, id est tam suum quam etiam uxoris suae'. This is surely explicit enough. The soldiers and veterans gain immunity for the personal *capita* of themselves and their wives (and parents), but the effect of this privilege is to reduce their liability to the regular land tax. Secondly, by *Cod. Theod.* VII, xx, 4 (325), soldiers

sum caput, patris ac matris et uxoris, si tamen eos superstites habeant, omnes excusent, si censibus inditi habeantur. quod si aliquam ex his personis non habuerint vel nullam habuerint, tantum pro suo debent peculio excusare quantum pro iisdem, si non deessent, excusare potuissent, ita tamen ut non pactione cum alteris facta simulato dominio rem alienam excusent, sed vere proprias facultates.

A soldier is granted immunity for the *capita* of himself, his wife and parents, if they exist: but if he is an orphan bachelor he still gets immunity for the value of four *capita*,

<sup>1</sup> I take *functiones animales* to be identical with the *capitalis illatio* of the *colonus*, alluded to in the first paragraph of the law; cf. for the form of expression

τυχικῆς (read ψυχικῆς) συντελείας in *Cod. Just.* x, xvi, 13, of A.D. 496.

his own *caput* and three more equivalent units of his property, being only forbidden to convey his immunity to another by assuming fictive ownership of his property. These provisions strongly imply, if they do not necessarily presuppose, a consolidated tax on *capita* and other property, that is probably *iuga* of land (though the *peculium* might include animals and agricultural slaves).

The combined system is first clearly attested in the Table of Brigetio, that is in Illyricum in 311. Before that date *capitatio* is attested as a tax on *capita* of the population, but it appears to have been collected in money and to have been separate from the tax in kind on land, the *annona*. The edict of Aristius Optatus (*SB* 7622, A.D. 297) is inconclusive on this point, though it mentions separately payments assessed on land and payments assessed on the rural population. *Cod. Just.* XI, IV, 1 (290, Syria), 'ne quis ex rusticana plebe quae extra muros posita capitationem suam detulit et annonam congruam praestat,' is likewise inconclusive, though implying two separate taxes. But Lactantius (*de Mort. Pers.* 23), after describing Galerius' census of the population (presumably in Pontica), declares 'post hoc pecuniae pro capitibus pendebantur', and not taxes in kind such as were levied on the land. Arcadius Charisius (*Dig.* I, IV, 18, § 8) also distinguishes between the collector 'qui annonam suscipit vel exigit' and the 'exactores pecuniae pro capitibus' (cf. § 29, 'neque ab annona neque . . . a capitatione'). Finally, it may be noted that Galerius levied *capitatio* from the urban as well as the rural population in Asiana (*Cod. Theod.* XIII, X, 2), which implies that it was a money tax.

There is only one Diocletianic law which links *capitatio* with land, *Cod. Just.* IV, XLIX, 9 (given in 293 at Philippopolis),

si minor a venditore . . . dicebatur capitatio praedii venditi et maior inventa sit, in tantum convenitur quanto, si scisset emptor ab initio, minus daret pretii, sin vero huiusmodi onus et gravamen functionis cognovisset, nullam adversus venditorem habet actionem.

But this may mean no more than that a landlord was responsible for the poll tax of the persons registered on his estate, as was apparently the case later in some Gallic provinces (see below, p. 92).

The system of *capitatio* and *iugatio* combined was applied in the fourth century to the dioceses of Thrace, Asiana, Pontica (*Cod. Theod.* VII, VI, 3), and is implied for Illyricum by the Table of Brigetio and for Oriens by *Cod. Theod.* VII, XX, 4, which was posted at Antioch: Egypt, however, as will be shown below, followed a different system. In Illyricum the system must have been abolished by Valentinian I when he suppressed the *capitatio* (*Cod. Just.* XI, LIII, 1), and in Thrace by Theodosius I when he did the same there (*Cod. Just.* XI, LII, 1).

For the West the evidence is less explicit. The combination of *capitatio* and land is assumed in *Cod. Theod.* XI, I, 15, addressed to Probus, praetorian prefect of Italy, in 366. *Cod. Theod.* V, XIII, 4; XI, VII, 11, addressed to Florianus, Valentinian I's *comes rei privatae*, seems to imply the existence of the *capitatio* and *iugatio* system in the Western parts in general. *Cod. Theod.* XIII, X, 8, an edict *ad populum* issued 5th March, 383, from Milan, also seems to imply the existence of the system throughout the West. But this edict is paraphrased in a constitution issued 19th January, 383, to Probus, praetorian prefect of Italy (*Cod. Theod.* XI, XIII, 1), who is instructed to enforce it in Illyricum, Italy, the suburbicarian diocese and Africa. These two last documents reveal the danger of relying too much on the use of technical terms in imperial constitutions. In the first place the edict orders the cancellation of immunity on *iugatio vel capitatio*, while the instruction to Probus mentions only *iugatio* in the same context. Secondly, we know that in the suburbicarian diocese the fiscal unit of land was not the *iugum* but the *millena* (Déléage, o.c. 219 ff., arguing from *CIL* X, 407; Just., *Prag. Sanct.* 26; Maj., *Nov.* VII; add Val., *Nov.* V) and that in Africa similarly it was not the *iugum* but the *centuria* (o.c. 228 ff. arguing from *Cod. Theod.* XI, I, 10; xxviii, 13; add Val., *Nov.* xxxiv). The imperial chancery thus used *iugatio* as a general term to cover any system of land assessment. It would be rash in view of this to infer from the use of such phrases as *iugatio vel capitatio* in general laws that the system prevailed in every diocese. There is, in fact, no specific evidence for the combined system in Italy, the suburbicarian diocese, or Africa, and in Africa there is presumptive evidence against it. *Cod. Theod.* XIII, IV, 4

(374, 'ad vicarium Africae'), very strongly implies that in Africa *capitatio* was levied on the urban population, and must therefore have been a separate poll tax, not merged in the land tax.

For the dioceses of Britain, Gaul, the Five Provinces, and Spain evidence is yet more tenuous. *Pan. Vet.* v, 5, 5, and 6, 1, prove that the *Gallicani census formula* included *hominum numerus* and *agrorum modus*, and ch. 11, 1-3, shows that the *civitas Aeduorum* was assessed at 32,000 *capita*. It has generally been assumed that this was the whole assessment, i.e. that the term *capita* denoted or included land. But ch. 12, 3, shows quite clearly that the *capita* which Constantine remitted represented human beings, and it seems much more probable that 32,000 *capita* comprised only the taxable population (males and females from, say, fourteen to sixty) of the *civitas*. Several laws addressed to the praetorian prefect of the Gauls (*Cod. Theod.* xii, 1, 36; xi, xxiii, 2; xiii, x, 4 and 6, of 343, 362, and 370) mention a *capitatio plebeia*; the term does not occur elsewhere. It fell on both sexes between certain ages which are not specified; it does not appear whether it applied to the urban population. *Cod. Theod.* xi, xxiii, 2, 'prototypias et exactiones in capitacione plebeia curialium munera et quidem inferiora esse minime dubitatur,' shows that it was separately levied, and therefore probably a poll tax. Another law (*Cod. Theod.* xi, 1, 26) addressed to the praetorian prefect of the Gauls in 399 shows that in some provinces under his jurisdiction *certus plebis numerus* was registered on each estate, whose owner was responsible for their *munera*. This implies that in some provinces the *capitatio plebeia* was entirely divorced from the land tax, but that in others, 'in quibus haec retinendae plebis ratio adscriptioque servatur,' the landowner was somehow responsible for the fiscal obligations of *plebei* registered on his land. But this does not prove that the combined *capitatio* and *iugatio* system prevailed: the landlord may only have had to collect a poll tax. There is one other reference which implies that in the Gallic fiscal system landlords were responsible for *capita*—Sidonius Apollinaris, *Carm.* 13, where he begs Majorian to deduct three *capita* from his assessment.

A law of Constans (*Cod. Theod.* xi, xii, 1), 'publicus ac noster inimicus diversis immunitatem dederat iugorum capitacionibus et professionibus amputatis,' must refer to Gaul, the dominion of Constantine II, but it is difficult to deduce anything from this gem of rhetoric. Both *iugorum* and *capitacionibus* cannot be technical, for on no theory could *iuga* be assessed in *capita*. One may take *iugorum* to mean 'landed property' and translate 'cutting down the assessments of *capita* and the declarations (of land) for landed property'. Or *capitatio* may be taken very loosely as 'assessment' in general, giving 'cutting down the assessments and declarations of units of land'. This is, incidentally, the only passage which mentions *iuga* in the Gallic prefecture; it would be very unwise to draw any conclusions from the use of the term. Ammianus Marcellinus xvi, v, 14, 'quod primitus partes eas ingressus pro capitulis singulis tributii nomine vicanos quinos aureos reperit flagitari, discedens vero septenos tantum, munera universa complentes,' implies the standard assessment unit (i.e. the unit of land) was called *capitulum* in Gaul.

*Cod. Theod.* vii, vi, 3, 'per Aegyptum et Orientis partes in triginta terrenis iugis . . . annua vestis collatio dependatur,' must mean that in 377 the land of Egypt was assessed in *iuga* in the books of the praetorian prefecture of the East. The papyri prove that in the local administrative language of Egypt the term *iugum* was unknown, and assessments continued to be made by the old local unit of area, the *arura*: the unit was later officially recognized in *Cod. Theod.* xi, xxiv, 6, § 5 (415), and the Egyptian bureaucracy even coined the word ἀρουραῖων to correspond with *iugatio* (*P. Lips.* 62, vi). Men were also taxed in the late third and early fourth century, as appears from the edict of Aristius Optatus (*SB* 7622) and from the census declarations (*SB* 7673, *Chr.* 1, 210). It would appear from *P. Ryl.* iv, 658 (early fourth century), ἀρουρηδοῦ καὶ ἀνδρισμοῦ, that the assessment of a village was in *arurae* and men. In *P. Thead.* 16 and 17 (332) the surviving villagers of Theadelphia state that ἡ φορολογία τῆς κώμης ἡμῶν συνάγεται εἰς πεντακοσίας ἀρούρας and that they are paying ὑπὲρ ὅλης τῆς κώμης ἀρουρῶν πεντακοσίων . . . καὶ τοῦ κατ' ἀνδρα (σὺν ταμιακοῖς ἀνδράσι) εἴκοσι πέντε, that is Theadelphia was assessed at 500 *arurae* and twenty-five men.

There is no trace in the papyri of the assessment of land and men being combined in

any way, and the tax on men was probably a money poll tax. It has left very little trace in the papyri. There are four receipts for ἐπικεφάλαιον πόλεως, dating between 301 and 314, from Oxyrhynchus (*PSI* 163, 302, 462, 780), but this urban poll tax may be an exceptional impost levied only for a short period. Apart from these there is a fourth or fifth century receipt ὑπὲρ κεφαλῆς (*P. Klein Form.* 369) and a receipt and a few records in estate accounts from the fifth and sixth centuries of συντέλεια κεφαλῆς (*P. Oxy.* 1331, 1911, l. 86; 2195, ll. 34, 48; 2243 (a), l. 26). From the middle of the fourth century the list of κεφαλαί was also sometimes used as a basis for μερισμοί, that is irregular or supplementary levies which had to be distributed or apportioned to the taxpayers of a given district. The earliest example is *SB* 7756 (discussed by Déleage, o.c. 112 ff.). Here we have a receipt dated 359, giving a list of μερισμοί and similar levies, each assessed in money τῇ κεφ(αλῇ) α (*per singula capita*), and a total assessment τῇ κεφ(αλῇ) α; but the actual receipt is made out for  $1\frac{1}{6}$  capita (ὑπὲρ κεφ. α 5') for the appropriate sum (the *per capita* assessment plus one-sixth). Déleage has argued that since the word κεφαλή here denotes an abstract unit, it is in fact the *iugum* recorded for Egypt in *Cod. Theod.* vii, vi, 3, and that henceforth the *iugatio* system prevailed in Egypt. No such sweeping conclusions can be drawn from this document. The main taxes continued to be assessed on the *arura* down to the sixth century, as in *P. Cairo Masp.* 67057, and there are to my knowledge only two other allusions (apart from the συντέλεια κεφαλῆς) to taxes or other obligations being assessed on κεφαλαί. One of these (*Chr.* i, 390, fourth century) alludes to τῶν ναυβίων τῆς κεφαλῆς αὐτοῦ, which may indicate a *corvée* imposed *per capita*. The other (*P. Lond.* v, 1793, A.D. 472) is a guarantee ἀποκρίνασθαι ὑπὲρ τῶν δημοσίων τῆς αὐτοῦ κεφαλῆς ἑκάστοῦ μερισμοῦ, which shows that μερισμοί continued to be apportioned *per capita*. The fact that in *SB* 7756 one man is responsible for  $1\frac{1}{6}$  capita is explicable on a principle well established in the fiscal practice of the later Roman Empire. If, say, 35 capita were the registered total of a village, and there were actually only thirty persons surviving, each survivor would be rated at  $1\frac{1}{6}$  to make up the theoretical total.

To sum up my argument I would submit that there were certain areas of the Empire, including certainly Egypt and probably Africa and parts of the Gallic prefecture, where the combined system of *capitatio* and *iugatio* was not applied; but, where it was applied, it meant that the total of *iuga* was added to the total of *capita* (that is, persons and animals registered on the land) to form the assessment on which most taxes were levied. I would submit that there is no evidence to contradict this, though the laws admittedly contain many ambiguities, due mainly to the rhetorical style in which they are drafted. One stylistic trick has often caused confusion. Phrases such as *iuga vel capita*, *capitatio sive iugatio* are awkward and clumsy, especially if they have to be frequently repeated. Some imperial draftsmen accordingly used one or other of the technical terms to mean the combination of both. I have already noted one clear case, where in an edict to the people and a letter to the praetorian prefect on the same topic (*Cod. Theod.* xiii, x, 8; xi, xiii, 1, both early in 383), *iugatio vel capitatio* in the one corresponds to *iugatio* in the other. Another clear case is vii, xiii, 7 (375), which regulates the liability for providing a recruit. In one sentence it is stated that if the *iugatio* of the landlord is so great that he qualifies by himself to furnish a recruit, he is to do so. Another sentence states that if a money levy is to be made for a recruit, it is to be apportioned *pro modo capitationis*. There is no reason why the basis of assessment should be different in the two cases, and the suspicion that *iugatio seu capitatio* is meant in both is confirmed by *Cod. Theod.* xi, xxiii, 1, which had fourteen years before in 361 declared that this very obligation of furnishing recruits was based on *iuga aut capita*.

This being so it is unscientific to build too much on the isolated use of either *iugatio* or *capitatio*. It seems likely, for instance, that in *Cod. Theod.* xi, xii, 2 (362), 'quicumque capitacionis indulgentiam immunitatemque meruerunt, non solum ex annonario titulo verum etiam ex speciebus ceteris atque largitionibus excepti sunt,' *capitatio* describes the whole assessment of an estate, and similarly that in *Cod. Theod.* xi, i, 33 (424), the church of Thessalonica enjoyed immunity in respect of the *iugatio* as well as the *capitatio* of its lands (if indeed after *Cod. Just.* xi, liii, 1, any landowner in Macedonia paid *capitatio*). Indeed, when the draftsman wished to make it plain that he was alluding to land only,

or to men and beasts only, he usually added such words as *terrena* or *humana* to *iugatio* and *capitatio* respectively (see *Cod. Theod.* VII, vi, 3; XI, xx, 6; *Theod., Nov.* XXII, 2, § 12; *Cod. Just.* XI, xlviii, 23, § 5; lli, 1).

So much for the interpretation of the evidence. But is such a system as I have postulated historically or economically plausible? It is, I believe, an error to attribute to the emperors of the fourth century any profound economic ideas, and much ingenuity has in my view been wasted in speculating on what principles the 'value' of a man could be assessed in relation to the value of land. The emperors were practical men who wished to work out an easy and simple method of assessing levies which should at the same time be reasonably equitable. In most parts of the empire, at any rate, there were already two main forms of direct taxation, the *tributum soli*, a percentage on the assessed value of land, and *tributum capitis*, some form of poll tax. Apart from carrying out censuses, probably long neglected, of land and population, in order to provide an up-to-date basis for these taxes, Diocletian's chief contribution to the problem, it would seem, was the invention of the *iugum*, a uniform unit in which land of varying quality and use could be assessed, instead of being valued in money, which had ceased to be a stable measure. The *iugum*, as described in the Syro-Roman law book, was an equitable unit in which to assess the value of agricultural land, and the inscriptions from Asia Minor show that the valuation was carried out most meticulously down to minute fractions of the *iugum*. At the same time the *iugum* was an ideal instrument for the government to calculate the incidence of levies; if  $x$  pounds of pork were required in Palestine, and Palestine was rated at  $y$  *iuga*, it was clear that a levy of  $x/y$  pounds of pork per *iugum* would meet the case. Diocletian seems on similar principles to have evaluated men, women, and animals in uniform *capita*, which he used as the basis of a money tax. But taxes in money were not very useful, when its value was depreciating so rapidly. It was desirable that *capita* as well as *iuga* should be used as a basis for levies in kind, and the simplest way of achieving this object was to add the two together.

The system was inequitable in that it threw as large a burden on a man with a small farm and a large family as on a man with a large farm and a small family; but such anomalies are inevitable in any system which involves a poll tax, and there is no reason to believe that they were felt to be unjust. Men and land had always been taxed, and were therefore accepted as the natural units of assessment. The government did, however, in some areas mitigate the hardship by scaling down the assessment of human beings in relation to that of land. Thus, in Pontica in 386 the *caput*, which had hitherto been assessed at one man or two women, was rated at two-and-a-half men or four women (*Cod. Theod.* XIII, xi, 2). Further anomalies arose from the fact that *iugatio* was based on different scales in different dioceses (see *JRS* XLIII (1953), 49-50) and that in some dioceses *iugatio* was never introduced, traditional units of area such as the African *centuria* or the Italian *millena* (and perhaps the Gallic *capitulum*) being rated as *iuga*. Similarly, *capitatio* was based on different scales from diocese to diocese; in Egypt only males counted, in Syria both males and females equally, in Pontica a woman counted for half. All these variations were, however, so far as we know, based on local traditional practice, and the anomalies which resulted as between one region and another would not have been felt.



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## THE ROMAN COLONATE

THE PROBLEM OF THE LATE ROMAN COLONATE HAS BEEN DEBATED SINCE the seventeenth century. The debate still goes on, but we do not seem much nearer to answering the questions, when, how, and why the *colonus* of the principate, a voluntary tenant of land, free to move when his lease expired, became the *colonus* of the later empire, a serf tied to the land by a hereditary bond.<sup>1</sup> The position of a *colonus* in the early third century is clearly defined by the lawyers cited in the Digest. He held a lease, normally for five years, which by the tacit consent of both parties became on expiry an annual tenancy.<sup>2</sup> In practice conditions varied very greatly. In Egypt short term leases, from one to four years, were normal.<sup>3</sup> But in many parts farms generally descended from father to son. Under Commodus the tenants of imperial lands in Africa speak of themselves as having been born and bred on the estate.<sup>4</sup> In the early third century other imperial tenants in Lydia threaten "to leave the hearths of our fathers and the tombs of our ancestors" unless conditions are improved.<sup>5</sup> A *colonus* might, if he were, as he often was, in arrears with his rent,<sup>6</sup> find practical difficulty in leaving; for in such circumstances his landlord would have no hesitation in distraining on his stock. But he could leave with arrears outstanding: a case in the Digest concerns "the arrears of *coloni* who on the conclusion of their lease, having entered into a bond, had abandoned their tenancy".<sup>7</sup>

The first clear evidence that *coloni* — or at any rate some *coloni* — were tied to their farms and to their landlords is a law of Constantine dated 332: "Any person with whom a *colonus* belonging to some other person is found shall not only restore him to his place of origin but be liable for his poll tax for the period. It will furthermore be proper that *coloni* themselves who plan flight should be put in irons like slaves, so that they may be compelled by a servile penalty to perform the duties appropriate to them as free men".<sup>8</sup> The first explicit reference to the hereditary character of the bond is in a law of 364, which orders that "slaves and *coloni* and their sons and grandsons" who had deserted imperial estates to join the army or the civil service should be recalled.<sup>9</sup>

Before proceeding further it will be as well to say something of the pattern of land ownership in the later Roman empire. It is too often assumed in discussions of the colonate that the entire area of the empire was divided into large estates, each consisting of a home farm cultivated by slaves, surrounded by smaller farms worked by

resident free tenants. There were many large estates, though not all were of this pattern. Many, owned by absentee landlords, were entirely divided into tenancies, the original home farm, if there had ever been one, having been let off.<sup>10</sup> And though in some parts of the empire, particularly in Italy and the western provinces, large estates were numerous and must have occupied a large proportion of the total area, they by no means accounted for the whole of it.

There were in the first place peasant proprietors, usually grouped in villages; in Egypt, they were predominant in the fourth century<sup>11</sup> and survived in substantial numbers in the sixth.<sup>12</sup> Villages of peasant proprietors are mentioned side by side with those owned by one landlord in Syria in the fourth and fifth centuries.<sup>13</sup> In Thrace and Illyricum Justinian's legislation shows that peasant freeholders were still important in the sixth century.<sup>14</sup> In the West less is heard of them, but in Gaul Salvian in the middle of the fifth century still speaks of peasants whose plots are being absorbed by the great landlords,<sup>15</sup> while in Africa the peculiar Mancian tenures, small holdings held on perpetual and alienable leases, survived under the later Vandal kings.<sup>16</sup>

In the second place the estates of non-resident landlords were not always large. There were many humble townsmen who owned two or three acres, and medium landlords seem rarely to have owned a single large estate: they generally held a number of parcels of land of varying size, scattered in different villages. This is the pattern shown by the early fourth century land register of Hermopolis in Egypt.<sup>17</sup> The same pattern is shown in the will of Remigius, bishop of Rheims in the late fifth century.<sup>18</sup> Even the great landlords who owned estates big enough to hold a village, often possessed in addition many detached parcels of land. The accounts of the great Apion family in sixth century Egypt show that they owned holdings in the villages of peasant proprietors as well as entire hamlets.<sup>19</sup>

Many of the smaller parcels of land owned by absentee landlords had no resident tenants but were leased to villagers, either peasant proprietors whose plots were too small to maintain their families, or cottagers, who owned their houses but had no land.<sup>20</sup> The analysis of the rural population is thus complicated. There were the resident *coloni* of the great estates, who lived on their farms or in the estate village. There were also on the great estates persons styled *inquilini*, who are frequently coupled with the *coloni* but distinguished from them.<sup>21</sup> The word *inquilinus* in the legal language of the principate means the tenant of a house, as opposed to *colonus*, the tenant of agricultural land.<sup>22</sup> There is no reason to believe that

the word had changed its meaning, and these *inquilini* will therefore have been cottagers on an estate, who earned their livings as craftsmen or labourers.<sup>23</sup> Then there were the peasant proprietors and cottagers of the independent villages, some of whom were at the same time *coloni* of detached parcels of land belonging to absentee landlords. Finally there were agricultural slaves. A few were labourers owned by more prosperous peasant freeholders or *coloni*. More were the property of absentee landlords. Some worked small parcels of land single-handed: the half dozen vineyards owned by Remigius each had its slave vinedresser.<sup>24</sup> On larger estates the census registers sometimes show in addition to the *coloni* a few slaves, who perhaps worked a home farm and acted as bailiffs of the whole estate.<sup>25</sup> Other estates seem to have been run entirely by slave labour; we do not know if these slaves worked in gangs, or, by a practice already known to the third century lawyers, leased farms as *quasi coloni*.<sup>26</sup>

Between 392 and 395 Theodosius I issued the following constitution:<sup>27</sup> "Throughout the entire diocese of Thrace the census of the poll tax is abolished for ever and only the land tax will be paid. And in case it may seem that permission has been given to *coloni*, freed from the ties of their taxable condition, to wander and go off where they will, they are themselves to be bound by right of origin, and though they appear to be free born by condition are nevertheless to be held to be slaves of the land itself to which they were born, and are not to have the right to go off where they will or change their domicile. The landowners are to control them with the care of patrons and the power of masters". An earlier law of Valentinian I,<sup>28</sup> dated 371, evidently alludes to a similar situation. "We declare that *coloni* and *inquilini* throughout Illyricum and the neighbouring regions cannot have the liberty of leaving the land on which they are found to reside by virtue of their origin and descent. Let them be slaves of the land, not by tie of the tax, but under the name and title of *coloni*".

From these two laws it is evident that *coloni* had hitherto been tied to their farms by virtue of the poll tax, or *capitatio*, which they paid, since its abolition in Thrace and Illyricum would have resulted, but for special provisions enacted, in giving freedom of movement to the *coloni* of these areas. The *capitatio* was based on censuses conducted by Diocletian and his colleagues and immediate successors in the various parts of the empire, and the tax itself under that name — there had been earlier poll taxes in many provinces — seems to have been instituted by him. The census included all the working rural population (between minimum and maximum ages) whether slaves

or free, whether proprietors, tenants, or landless, and the *capitatio* was levied on all alike.<sup>29</sup>

From these facts two conclusions follow. The measure which tied the *coloni* to the soil cannot be earlier than Diocletian's time, and is probably to be connected with his reorganization of the poll tax. And secondly it was primarily a fiscal measure, designed to facilitate and ensure the collection of the new poll tax, and not specifically aimed at tying tenants to their farms.

There are two facts which support the second conclusion. In the first place not only *coloni* but peasant proprietors were tied to their place of registration. In 332 the three surviving proprietors of the Egyptian village of Theadelphia complained that all their fellow villagers (the registered population of the village was twenty-five) had fled: they had tried to get them back by their own efforts but without success, and they now appealed to the prefect of Egypt to use his official powers.<sup>30</sup>

In the second place the rule binding the rural population to their places of registration did not in all provinces have the effect of tying *coloni* to their farms. It is expressly stated in a law of Theodosius I that in Palestine *coloni* had not hitherto been tied to their lands.<sup>31</sup> In Egypt there is no trace of tied tenancies until the fifth century; short term leases remain the rule as under the principate.<sup>32</sup> In a law addressed to the praetorian prefect of the Gauls in 399<sup>33</sup> a distinction is drawn between the various provinces under his jurisdiction. It is ruled that anyone who buys "an estate on which a certain number of the humble population is registered" is to take on their fiscal obligations; but this rule is applicable only to those provinces "in which this system of tying the humble population and this method of registration is observed".

The explanation of this anomaly probably lies, as the last law suggests, in the different systems of registration adopted in various provinces. The census registers from western Asia Minor, which record both land and population, are drawn up under the headings of the landowner and his estates. In most lists the landowner's name comes first, followed by his several farms, each assessed at so many fiscal units (*iuga*) of land, and so many units of population (*capita*), if there was any population resident on the farm. This form of registration implies that the landowner was responsible for the *capitatio* of the population registered on his farms, and would, if the population were tied to their place of registration, have the effect of tying resident *coloni* to their farms. From the very fragmentary records surviving it would appear that peasant proprietors and

landless men who owned houses were registered in their villages, and would be tied to these.<sup>34</sup>

In Egypt on the other hand the land register of Hermopolis gives a list of townsmen who own land, recording the size and location of their holdings but making no mention of their tenants. There are similar village lists of peasant proprietors.<sup>35</sup> In the surviving personal census returns villagers record details of their families, but register themselves under their village only.<sup>36</sup> It would seem then that in Egypt the rural population was registered by villages, without reference to whose land they cultivated, and that they were tied to their village and not to their farm or landlord. Presumably the registration system in Palestine and some provinces of the Gallic prefecture was similar and led to the same result.

It would seem, then, that the tying of the *colonus* to his farm was the by-product of a fiscal and administrative measure of wider scope. For such a measure there were partial and local precedents from the principate. In A.D. 104 C. Vibius Maximus, prefect of Egypt, issued the following edict.<sup>37</sup> "Since the house to house registration is imminent it is necessary to instruct all persons who are for any reason whatsoever residing away from their district to return to their hearths in order that they may both carry out the usual procedure of the registration and may devote themselves to the agricultural work incumbent upon them". Diocletian's more sweeping measure (if he was its author) was doubtless also primarily fiscal in motive, but may likewise have been intended to secure that the agricultural population, on whose labour the land tax depended, was kept to its task.

But if the tying of the agricultural population was in origin a measure dictated by public policy, it proved a great boon to landlords. It is evident that there was in the fourth century a general shortage of agricultural labour. The population had doubtless in many areas been reduced by the constant wars, devastations, famines and plagues of the third century, and the conscription for the greatly enlarged army further depleted it. At any rate many references in contemporary laws show that tenants were hard to find, and that any who were dissatisfied with their position could readily find another landlord, willing and eager to take them on. In these circumstances landlords found the law useful in holding their tenants and reclaiming them if they left.

Since the landowning classes were predominant in governmental circles it is not surprising that the imperial government, when it abolished the *capitatio* in Illyricum and then in Thrace, specially

enacted that the *coloni* of these areas should not be thereby given liberty of movement. It soon went further and introduced the tied colonate in provinces where it had not hitherto existed. Theodosius I explicitly states in whose interests he did so in Palestine. "Whereas in other provinces which are subject to our serenity's rule a law instituted by our ancestors holds *coloni* by a sort of perpetual right, so that they may not leave the places by whose crops they are fed nor desert the fields which they have once received to cultivate: but the landowners of Palestine do not enjoy this advantage . . .".<sup>38</sup>

The dependence of tied *coloni* on their landlords was increased by successive laws. Constantine, as we have seen, authorized landlords to put their tenants in chains if they suspected them of planning flight.<sup>39</sup> In 365 Valens enacted that they might not alienate their own property without their landlord's consent.<sup>40</sup> Some years later he enacted that landlords should collect the taxes due from their registered tenants.<sup>41</sup> In 396 Arcadius ruled that *coloni* registered in the census, since they were virtually slaves of their landlords, should have no right of bringing civil actions against them except for raising their rent.<sup>42</sup> By later laws they were forbidden to join the army or the civil service,<sup>43</sup> or to take holy orders without their landlord's consent.<sup>44</sup>

While tied *coloni* were thus reduced to a quasi-servile status, agricultural slaves were converted into serfs. At first owners had been permitted to sell their agricultural slaves apart from the land, though they were registered on it. Constantine only prohibited sales beyond the boundary of the province, and warned purchasers that their census would be subject to revision<sup>45</sup>. Valentinian I assimilated registered agricultural slaves to tied tenants, and forbade their sale apart from the land.<sup>46</sup>

On the other hand the law, in so far as it affected peasant proprietors, seems to have been generally allowed to fall into desuetude. When the *capitatio* was abolished in Illyricum and Thrace no measures were taken to restrict the movement of the peasant freeholders, in those areas an important and numerous class, but only that of *coloni*. As against scores of laws which deal with restitution of absconding *coloni* to their masters there are only two in the Codes under which freeholders are returned to their villages. A law of Valentinian I<sup>47</sup> rules that if anyone petitioned the crown for the grant of a man alleged to be a vagrant and ownerless slave, an investigation should be held, and if the man were proved to be a *colonus* he should be returned to his master, if a free commoner be sent back to his place of origin. A law of 415,<sup>48</sup> which deals comprehensively with the problem of patronage in Egypt and aims at restoring

the villages of peasant proprietors, orders that those who had left the village in which they were registered and gone to other villages or landlords should be compelled to return.

There was probably less need to enforce the law against freeholders. As a rule peasants would not wish to abandon their holdings — the case of Theadelphia was abnormal; the village lay at the end of an irrigation canal and intervening villages had intercepted the water. Normally it was to no one's interest to enforce the law: his fellow villagers or a neighbouring landlord would generally be glad to buy the holding of any peasant who wanted to leave, and would raise no complaint. It was only in the case of mass desertion, as at Theadelphia, that the surviving villagers would wish to recall the runaways, and one may doubt whether their complaints were often successful. Landlords had influence and could get a hearing for their grievances, and the provincial governor, being probably a landlord himself, would be sympathetic. Villagers could exercise no effective pressure, and were unlikely to obtain a hearing, especially if, as at Theadelphia, the runaways had taken refuge on the estates of neighbouring landlords.

The tied colonate was as we have seen introduced into Palestine by Theodosius I. It appears to have been extended to Egypt before 415, for the law of that year<sup>48</sup> alludes to a class called locally *homologi coloni* who were tied to their landlords. But though the institution thus spread to the greater part, if not the whole, of the empire, it does not follow that all *coloni* were tied. Since *coloni* were initially bound by their census registration, only those tenants who were entered on the census under the name of a landlord and registered on one of his estates were tied to the soil. The census registers from western Asia Minor show many, mainly smaller, estates without any *capita* or units of population and these estates were presumably leased to neighbouring peasant freeholders or cottagers in the villages. The distinction is made explicit in a law of Valens,<sup>49</sup> which enacts that owners of estates should collect the taxes of "*coloni originales* who are registered in the same places", but that *coloni* "who possess any piece of land however small and are registered in their own names" should pay their taxes through the public collector. In effect only the resident tenants of the larger estates were tied. This appears to have been the case on the estate of the Apion family in Egypt in the sixth century. Tied tenants (γεωργοὶ ἐναπόγραφοι) appear only on the hamlets (ἐποίκια) and estates (κτῆματα) wholly owned by the family: parcels of land in the villages are let to ordinary tenants.<sup>50</sup>

In the third quarter of the fourth century the laws begin to make a distinction between ordinary tenants and tied tenants. The latter are sometimes called *tributarii*, since their landlord was responsible for their tax (*tributum*, i.e. *capitatio*).<sup>51</sup> In the Eastern parts they are generally distinguished by some such phrase as "registered in the census" (*censibus adscripti*),<sup>52</sup> and eventually the technical term *adscripticius* was coined; it is first recorded officially in a law of 460, but the emperor Marcian used the Greek equivalent (*ἐναπόγραφος*) in addressing the council of Chalcedon in 451.<sup>53</sup> This term was never used by the Western chancery, which preferred the words *originales* or *originarii*,<sup>54</sup> belonging by birth or descent to the land. The two expressions came to the same thing in fact, for the census registered a man in the place where he belonged by birth. Both conceptions are sometimes combined in a single sentence. The law of Valens cited above<sup>55</sup> speaks of "*coloni originales* who are registered in the same places", and in a law of Valentinian I<sup>56</sup> *coloni* and *inquilini* are ordered to return "to their old homes where they are registered and were born and bred".

The Western terminology emphasizes the hereditary nature of the tie. It is evident from the census documents from western Asia Minor that from the outset registration had been conceived as hereditary. For although adults alone paid *capitatio* and were counted in the total of the village or estate, the detailed returns record children, even infants, with their ages.<sup>57</sup> It was evidently assumed that as they came of age they would come on to the register, filling the places of their elders as they died or reached the age of exemption. These young persons, from whom the number of the registered population was kept up, are alluded to in some laws as *ad crescentes*.<sup>58</sup>

The status of an *adscripticius* or *originalis* was thus hereditary: it was inherited from either parent.<sup>59</sup> The tie was legally unbreakable, until in 419 the rule of thirty years' prescription was applied to it, so that if a landlord made no claim on a *colonus* for that period, he forfeited his rights over him.<sup>60</sup> This rule was extended by Valentinian III in 449 even to *coloni* of the crown, whose rights were normally imprescriptible. The reason he gives is interesting: high ranking civil servants were being exposed to vexatious claims that their parents or more distant forebears had been *originales*.<sup>61</sup> Two years later Valentinian III found the rule of thirty years' prescription was being abused by *originales* who fled from their masters to become the free tenants of other landlords. He accordingly ruled that an *originalis* who freed himself from his old landlord by thirty years'



absence should become the *originalis* of his new landlord, or if he cunningly moved from farm to farm, of the landlord whom he had served for the longest period, or for the last part of the thirty years.<sup>62</sup> Valentinian III's legislation applied only to the Western empire. In the East the rule of thirty years' prescription survived until Justinian first restricted and then abolished it.<sup>63</sup> Henceforth an *adscripticius* could legally free himself only by becoming a bishop.<sup>64</sup>

While the hereditary character of the status meant that the descendants of an *adscripticius* or *originalis colonus* could never legally (except in so far as prescription operated) free himself, it also meant that no one not of that status by birth could be made an *adscripticius* or *originalis*. The exceptions are negligible. Sometimes barbarian prisoners of war, like the Scirae, were given to landlords as tied *coloni*<sup>65</sup>: sturdy beggars could be claimed as such by those who denounced them.<sup>66</sup> In these circumstances it is probable that the number of *adscripticii* tended to dwindle. The constant repetition of the laws against receiving runaway *coloni* shows that in fact many did leave their farms and establish themselves as free tenants elsewhere. This might well happen with the tacit consent of their landlords. It was not to the interest of a landlord to have more *coloni* than were needed to cultivate his estate, and he would not mind if younger sons went elsewhere to seek their fortunes. Justinian envisages the case where a landlord, satisfied that one of his farms is duly cultivated by a *colonus*, allows his son to leave, and when the *colonus* dies or gets past work, finds that his claim upon the son is barred by thirty years' prescription.<sup>67</sup> *Adscripticii* surplus to the needs of an estate thus tended to join the ranks of free tenants. On the other hand when the number of *adscripticii* for any reason fell below the number required, unless the landlord could fill the gaps from *adscripticii* from other estates which he owned,<sup>68</sup> he had to take on free tenants.

It was presumably in the interests of landlords who had such tenants that Anastasius applied the rule of thirty years' prescription in the opposite direction, enacting that a free tenant who stayed for thirty years should be tied to his farm<sup>69</sup>; Justinian interpreted this rule as tying his children even if they had not lived the full period on the estate.<sup>70</sup> Such tenants were not, however, *adscripticii*, being able to dispose of their own property freely and bring actions against their landlords and in general free from all the disabilities of *adscript* status except the prohibition to move.<sup>71</sup> Under a law of Justinian they were even entitled to move if they acquired a farm of their own sufficient to support them and requiring their full time attention.<sup>72</sup>

Justinian, arguing that *adscripticii* were virtually slaves, applied to mixed marriages between them and free persons the rules of law which governed the status of the offspring of free persons and slaves. The principal innovation which followed was that the children of an *adscripticius* and a free woman were no longer *adscripticii*: for it was a basic maxim of Roman law that the offspring of a "free womb" was free, and the status of an *adscripticius* was now reckoned as servile.<sup>73</sup> Justinian appears to have made this ruling from mere legal purism. It was greeted by storms of protest from landlords, who complained that their estates were being deserted wholesale by tenants who claimed under the new law to be free. Justinian had hastily to enact that the rule was not retrospective, applying only to children born after the law,<sup>74</sup> and to enact furthermore that children who benefited from the law, though not *adscripticii*, were bound by Anastasius' law (as interpreted by himself) to remain on their farms as free persons:<sup>75</sup> the second of these laws was directed to the praetorian prefect of Illyricum, where protests had been most vehement. Despite these laws unrest continued, and the landowners of Africa on Justinian's death anxiously petitioned his successor Justin II for their confirmation, and on his death again petitioned his successor Tiberius Constantine to the same effect.<sup>76</sup>

The story shows that mixed marriages between *adscripticii* and free women, the daughters of free *coloni* or of peasant proprietors must have been very common. It follows that peasant proprietors must still have survived in substantial numbers, or that free tenants must have become numerous on the great estates.

The tied colonate was then, I would argue, originally the by-product of a measure, probably enacted by Diocletian, and mainly dictated by fiscal motives, binding all the rural population to their places of registration in the census. This measure was, owing to the general shortage of agricultural labour, found very useful by landowners who wished to hold their tenants, and was in their interest maintained by the imperial government for *coloni*, though allowed to lapse in so far as it affected freeholders, and extended to *coloni* in provinces where for technical reasons it had not hitherto tied them to their farms. The status of tied *coloni* was gradually degraded, until they were scarcely distinguishable from agricultural slaves. Not all *coloni*, however, were tied, but only those descended from resident tenants originally registered on their farms. These tended with the passage of time to diminish in number and to be replaced by free tenants. These, too, if they remained on one farm for over thirty years, were tied to it by a law of Anastasius, but did not incur the

other disabilities of tied *coloni*. This measure was according to its author designed for the benefit both of landlords and tenants, but was clearly more in the interests of the former, who still feared that their estates would be drained of agricultural labour unless they had a better hold on their tenants. Their fears were justified, as the reaction to Justinian's legislation proved. Shortage of agricultural manpower evidently still remained acute in the sixth century, and was the basic cause for maintaining the tied colonate.

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## NOTES

<sup>1</sup> The history of the controversy down to 1925 is summarized by R. Clausen, *The Roman Colonate*. Later discussions include C. Saumagne, *Byzantion* XII (1937), 487-581, F. L. Ganshof, *Antiquité Classique* XIV (1945), 261-77, A. Segrè, *Traditio* V (1947), 103-33, M. Pallasse, *Orient et Occident à propos du colonat romain au bas-empire* (1950).

<sup>2</sup> *Dig.* XIX, ii, 9 § 1, 13 § 11, 14, 24 § 2.

<sup>3</sup> A. C. Johnson, *Roman Egypt (Economic Survey of Ancient Rome, II)*, 81 ff.

<sup>4</sup> *CIL* VIII, 10570 (= *ILS* 6870), col. iii, lines 28-9.

<sup>5</sup> Keil and Premerstein, *Denkschr. Ak. Wien*, LVII (1914-5), 55, line 46.

<sup>6</sup> To judge by the frequent allusions to *reliqua colonorum* in *Dig.* XXXII, 78 § 3; 91 pr. § 1; 97; 101 § 1; XXXIII, ii, 32 § 7; vii, 20 pr. § 1, 3; 27 § 1.

<sup>7</sup> *Dig.* XXXIII, vii, 20 § 3.

<sup>8</sup> *Cod. Theod.* V, xviii, 1.

<sup>9</sup> *Cod. Just.* XII, lxviii, 3, cf. VII, xxxviii, 1 (367).

<sup>10</sup> In a sixth-century rent roll (J. O. Tjäder, *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445-700*, p. 188, no. 3, col. ii) an estate in the territory of Patavium is divided into "locus qui adpellatur saltus Erudianus", "colonia suprascripta" and seven other *coloniae* (besides two *paludes*). All pay rent, the first "per Maximum vilicum", the others through *coloni*. It would seem that the original home farm, "saltus Erudianus" had been divided into two, and half let to a group of tenants, half left in the hands of the bailiff, who leased it for a rent.

<sup>11</sup> A. H. M. Jones, *JRS* XLIII (1953), 58-60, 63-4.

<sup>12</sup> There is a large mass of documents concerning Aphrodito, a village of small proprietors which was "autopract", collecting its own taxes. Most are published in *P. Cairo Masp.* and *P. Lond.* V.

<sup>13</sup> Libanius, *Or.* XLVII, 11, Theodoret, *Hist. Rel.* xiv and xvii.

<sup>14</sup> *Just. Nov.* 32-4.

<sup>15</sup> Salvian, *de Gub. Dei*, V, 38-44.

<sup>16</sup> C. Courtois, L. Leschi, C. Perrat, *Tablettes Albertini: actes privés de l'époque vandale*.

<sup>17</sup> A. H. M. Jones, *JRS* XLIII (1953), 52-3, 60-3.

<sup>18</sup> *Mon. Germ. Hist., Script. rer. Merov.* III, 336-40. The authenticity of the will is upheld and its content analysed in *Rev. Belge de Philol. et d'Hist.* XXXV (1957), 356-373.

<sup>19</sup> E. R. Hardy, *The large estates of Byzantine Egypt*, 88-9.

<sup>20</sup> See below note 34.

<sup>21</sup> *Cod. Just.* XI, xlviii, 6 (365). "omnes omnino fugitivos [adscripticios] colonos vel inquilinos", *Cod. Theod.* X, xii, 2 (368), "si quis etiam vel tributarius reperitur vel inquilinus ostenditur", *Cod. Just.* XI, liii, 1 (371), "colonos inquilinosque per Illyricum", *Cod. Theod.* XII, xix, 1 (400), "inquilas vel colonas vel ancillas", 2 (400), "colonatus . . . aut inquilinatus quaestionem",

V, xviii, 1 (419), "colonus originalis vel inquilinus", *Cod. Just.* III, xxvi, 11 (442), "domorum nostrarum colonus aut inquilinus aut servus", *Val. Nov.* xxvii (449), "de originariis et colonis, inquilinis ac servis", XXXV (452), "nullus originarius inquilinus servus aut colonus", Severus, *Nov.* ii (465), "inquilinus vel colonus". In *Cod. Just.* III, xxxviii, 11, "vel colonorum adscripticiae conditionis seu inquilinorum" has been interpolated after "servorum" of the original law (*Cod. Theod.* II, xxv, 1, 325). In *Cod. Just.* XI, xlviii, 12 (396) "vel tributarios vel inquilinos" is also probably interpolated after "servos". For *tributarii, adscripticii, originales*, see below, notes 51, 53, 54.

<sup>22</sup> *Dig.* XIX, ii, 25 ¶ 1, XLI, ii, 37, XLIII, xxxii, 1 ¶ 1. Landlords under the principate were obliged to declare their *coloni* and *inquilini* in their census returns (*Dig.* L, xv, 4 ¶ 8). In *Dig.* XXX, i, 112, "si quis inquilinos sine praediis quibus adhaerent legaverit, inutile est legatum: sed an aestimatio debeat, ex voluntate defuncti statuendum esse, divi Marcus et Commodus rescripserunt", *inquilinus* is used in a unique and obscure sense. The persons so described must be slaves, or they could not be left by will, but are attached to land and are only alienable with it. It has been suggested that they are barbarian prisoners of war allotted by the imperial government to landowners as agricultural labourers.

<sup>23</sup> They are perhaps identical with the cottagers (*casarii*) of *Cod. Theod.* IX, xlii, 7 (369), "quotve mancipia in praediis . . . quot sint casarii vel coloni". Their status was very similar to that of *coloni*; *Cod. Just.* XI, xlviii, 13 (400), "inter inquilinos colonosve, quorum quantum ad originem pertinet vindicandam, indiscreta eademque paene videtur esse condicio, licet sit discrimen in nomine".

<sup>24</sup> *Mon. Germ. Hist., Script. rer. Merov.* III, 337, lines 13-6, 22-3; 338, lines 10, 11, 20-1; 339, lines 1-2.

<sup>25</sup> A. H. M. Jones, *JRS* XLIII (1953), 56-7: bailiffs (*vilici* or *actores*) were commonly, as under the principate, slaves.

<sup>26</sup> A. H. M. Jones, *loc. cit.* Two Spanish landowners are said to have raised a small army in the early fifth century, "servulos tantum suos ex propriis praediis colligentes" (Orosius, VII, 40, 6), and one of Melania's Italian estates is said to have had "sexaginta villulas circa se, habentes quadringentos servos agricultores" (*Vita Melaniae junioris*, Latin version, ch. 18, in *Anal. Boll.* VIII (1889) 19 ff.). For *servi quasi coloni* see *Dig.* XV, iii, 16, XXXIII, vii, 12, 3, 20, 1.

<sup>27</sup> *Cod. Just.* XI, lii, 1.

<sup>28</sup> *Cod. Just.* XI, liii, 1.

<sup>29</sup> See A. Deléage, *La Capitation du Bas-empire*, and A. H. M. Jones, *JRS* XLVII (1957), 88-94.

<sup>30</sup> *P. Theod.* 16 and 17.

<sup>31</sup> *Cod. Just.* XI, li, 1.

<sup>32</sup> A. C. Johnson and L. C. West, *Byzantine Egypt: Economic Studies* 76, cf. note 50 below.

<sup>33</sup> *Cod. Theod.* XI, i, 26.

<sup>34</sup> A. H. M. Jones, *JRS* XLIII (1953), 49-55.

<sup>35</sup> A. H. M. Jones, *art. cit.*, 58-64.

<sup>36</sup> Wilcken, *Chrestomathie*, 210, SB 7673.

<sup>37</sup> Wilcken, *Chrestomathie*, 202. cf. Luke, ii, 1.

<sup>38</sup> *Cod. Just.* XI, li, 1.

<sup>39</sup> *Cod. Theod.* V, xvii, 1.

<sup>40</sup> *Cod. Theod.* V, xix, 1.

<sup>41</sup> *Cod. Theod.* V, xi, 1, 14.

<sup>42</sup> *Cod. Just.* XI, i, 2.

<sup>43</sup> *Cod. Just.* XI, xlviii, 18, XII, xxxiii, 3.

<sup>44</sup> *Cod. Just.* I, iii, 16 (409), *Val. Nov.* xxxv (452), *Cod. Just.* I, iii, 36 (484).

<sup>45</sup> *Cod. Theod.* XI, iii, 2 (327).

<sup>46</sup> *Cod. Just.* XI, xlviii, 7 (371): this rule was revoked by King Theoderic in Italy (*Ed. Theod.* 142).

<sup>47</sup> *Cod. Theod.* X, xii, 2 (368).

<sup>48</sup> *Cod. Theod.* XI, xxiv, 6 (415).

<sup>49</sup> *Cod. Theod.* XI, i, 14 (371).

<sup>50</sup> *P. Oxy.* 135, 137, 1979, 1982-3, 1985, 1988-91, *P. Lond.* III 774-5, 777-8, *PSI* 59, 61-2, *P. Amh.* 149: cf. *P. Oxy.* 1900, 2238 for ἐναπόγραφοι γεωργοὶ on estates of the church.

<sup>51</sup> *Cod. Theod.* X, xii, 2 (368), *Cod. Just.* XI, xlviii, 12, (396, but the word is probably a Justinianic interpolation, see note 21), XI, liv, 3 (Justinian). In *Cod. Theod.* XI, vii, 2 (319) *tributarius* appears to be distinguished from *colonus*, and may mean a taxpaying (i.e. rural) slave.

<sup>52</sup> *Cod. Just.* XI, i, 2 (396), I, iii, 36 (409), *Cod. Theod.* V, vi, 3 (409), X, xx, 17 (427), V, iii, 1 (434), *Theod. Nov.* vii, 4 (441). The phrase is applied to agricultural slaves in *Cod. Theod.* XI, iii, 2 (327), VII, i, 3 (349) and *Cod. Just.* XI, xlviii, 7 (371).

<sup>53</sup> *Cod. Just.* I, xii, 6 (466); Schwartz, *Act. Conc. Oec.* II, i, 353 ¶ 17. *Adscripticius* has been interpolated by the Justinianic redactors in *Cod. Just.* III, xxxviii, 11 (= *Cod. Theod.* II, xxv, 1) and XI, xlviii, 6, and even in VIII, li, 1, of A.D. 225.

<sup>54</sup> *Cod. Just.* XI, lxviii, 1 (325), xlviii, 7 (371), *Cod. Theod.* X, xx, 10 (380), *Cod. Just.* XI, xlviii, 11 (396), *Cod. Theod.* V, xviii, 1 (419), *Val. Nov.* xxvii (449), xxxi (451), xxxv (452), *Maj. Nov.* vii (458), *Ed. Theod.* 21, 48, 56, 63-8, 80.

<sup>55</sup> *Cod. Theod.* XI, i, 14.

<sup>56</sup> *Cod. Just.* XI, xlviii, 6.

<sup>57</sup> A. H. M. Jones, *JRS* XLIII (1953), 53, 55-6, cf. 51, note 12.

<sup>58</sup> *Cod. Theod.* VII, xiii, 6 (370), "vel adfixos censibus vel [de] adrescentibus suis obtulerint iuniores"; 7 (375), "ex incensitis atque adrescentibus in eorum, locum qui defensi militia fuerint, alios praecipimus subrogari".

<sup>59</sup> *Cod. Just.* XI, xlviii, 16 (419), 21 (Justinian) for maternal descent. In law 24 Justinian altered the rule for paternal descent; *Nov.* 54 records the old rule.

<sup>60</sup> *Cod. Theod.* V, xviii, 1. The rule had been applied earlier in special cases (*Cod. Theod.* XII, xix, 2 and 3).

<sup>61</sup> *Val. Nov.* xxvii.

<sup>62</sup> *Val. Nov.* xxxi.

<sup>63</sup> *Cod. Just.* XI, xlviii, 22 ¶ 3-5, 23 pr.

<sup>64</sup> *Just. Nov.* 123 ¶ 4.

<sup>65</sup> *Cod. Theod.* V, vi, 3 (409).

<sup>66</sup> *Cod. Theod.* XIV, xviii, 1 (382).

<sup>67</sup> *Cod. Just.* XI, xlviii, 22 ¶ 3.

<sup>68</sup> *Cod. Just.* XI, xlviii, 13 (400).

<sup>69</sup> *Cod. Just.* XI, xlviii, 19. Salvian (*de Gub. Dei*, V, 43-7) declares that in his day (the mid fifth century) in the West vagrants who settled on the estates of the rich lost their liberty and became *inquilini*, either it would seem by declaring themselves such (¶ 44 "iugo se inquilinae abiectionis addicunt") or by prescription (¶ 45, "fiunt praeiudicio habitationis indigenae"). They even, he declares, became slaves (¶¶ 45-6). These processes were probably illegal (the second certainly was). *Val. Nov.* xxxi, 5, shows clearly that a stranger who settled on an estate (unless he were by birth a *colonus originalis* from elsewhere) could move on when he liked.

<sup>70</sup> *Cod. Just.* XI, xlviii, 23 ¶ 1.

<sup>71</sup> *Cod. Just.* XI, xlviii, 19, 23 ¶ 1-3, *Just. Nov.* 162 ¶ 2.

<sup>72</sup> *Just. Nov.* 162 ¶ 2.

<sup>73</sup> *Cod. Just.* XI, xlviii, 24.

<sup>74</sup> *Just. Nov.* 54, pr. ¶ 1 (537).

<sup>75</sup> *Just. Nov.* 162 ¶ 2 (539). Six months later in another law (*Just. Nov. App.* I) addressed to the prefect of Illyricum, Justinian reversed his ruling altogether, but this measure must have been soon revoked, for the rule of *Nov.* 162 ¶ 2 is cited as a precedent in later African laws (see next note).

<sup>76</sup> *Corpus Iuris Civilis* (Gottfriedus) II, 237.



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## The Origin and Early History of the Follis

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## THE ORIGIN AND EARLY HISTORY OF THE *FOLLIS*

By A. H. M. JONES

One of the mosaics of the villa at Piazza Armerina, which are generally dated to the early fourth century A.D., depicts in connection with a contest a table on and under which are what are evidently prizes, crowns, palms, and bags labelled \**XII*ϣ, that is 12,500 *denarii*.<sup>1</sup> I suggest that these bags are the *folles*, which were at this date and later units of currency. A *follis* was, as its name implies and as various metrological writers confirm,<sup>2</sup> a purse, and these purses, according to literary and epigraphic sources, contained bronze coins or *denarii*.<sup>3</sup> The *follis* is first attested in 308–9,<sup>4</sup> but was probably introduced at an earlier date, somewhere between the great debasement of the *antoninianus* by Gallienus and the reform of the coinage by Diocletian, when the *antoninianus* or Aurelian's piece marked *XXI* were the only coins in circulation and their value had sunk so low that some higher denomination was essential. If this is so, the coins which the *follis* contained cannot have been *denarii*, which had ceased to be minted, though the value of the *follis* was reckoned in *denarii*.

The curious sum of 12,500 *denarii* can be explained on the following hypothesis. Three papyrus documents between them strongly suggest that at the end of the third or the beginning of the fourth century A.D., the imperial government first raised the face value of the *nummus*, i.e. the Aurelian piece and the similar radiate coins which succeeded it, by stages to 25 *denarii* and then cut its value by half to 12½ *denarii*.<sup>5</sup> The chronology is not very clear, but the last stage in the process evidently took place after the *Edictum de Pretiis* of 301. It was certainly complete in the reign of Licinius, whose radiate coins are labelled *XIII*.<sup>6</sup> It is then a plausible hypothesis that the *follis* was a bag of 1,000 *nummi* and was priced at the current valuation of those coins, ending up with 12,500 *denarii*.

It is not easy to determine the value of the *follis* in relation to silver or gold, since not only was its value in terms of *denarii* arbitrarily varied, as we have seen, from time to time, but the relation of the *denarius* to silver and gold changed greatly during the early fourth century. In general the *denarius* tended to sink steeply, that is the price of the precious metals in terms of *denarii* rose, owing to the reckless overissue of the copper coins and the raising of their face value in *denarii*; but the drop must have been irregular and must have been checked or reversed when their value was reduced. We possess five figures. In the *Edictum de Pretiis* of 301 gold is priced at 50,000 *denarii* to the pound.<sup>7</sup> In an undated Egyptian document, which may fall between 293 and 308 or between 317 and 324, the price is 100,000.<sup>8</sup> Two papyri, one undated, the other of 307, indicate prices of 8,000 and 8,328 *denarii* for a pound of silver,<sup>9</sup> which at this date was officially valued at 4 *aurei* or ¼ lb. gold; <sup>10</sup> this implies prices of 120,000 and 125,000 *denarii* for a pound of gold. Finally in 324 in another Egyptian document a pound of gold is valued at rather over 300,000 *denarii*.<sup>11</sup>

Assuming that the *follis* was already tarified at 12,500 *denarii* in 307 and that no further change was made, it was worth ¼ lb. gold or ½ lb. silver in 307, and had by 324 declined

<sup>1</sup> Incorrectly described on p. 42 of G. V. Gentili, *The Imperial Villa of Piazza Armerina* (1956): the correct reading of the numeral is just discernible in the photograph of the mosaic (no. 26). Other labelled money bags occur on the Constantinian mosaic floor of the church at Aquileia (Cecchelli, *La basilica di Aquileia*, pl. xxv) and in the illustrations of 'Roma', 'Constantinopolis', and Constantius Gallus in the Chronographer of 354 (*Jahrb. deutsch. Arch. Inst., Ergänzungsheft* 1 (1888), nos. 4, 6, 35). But these are apparently bags of gold. The last is labelled ϣ (presumably *mille solidi*) and the others carry similar figures (∞, ∞cccc, ∞ccc; in the last two the figure disappears round the side of the bag).

<sup>2</sup> *Studi in onore di A. Calderini e R. Paribeni* II, 329.

<sup>3</sup> Hultsch, *Metrolog. Script. Rel.* I, 144–5, 267, 269, 303, 308; II, 105, 151–2.

<sup>4</sup> *Scr. Hist. Aug., Elag.* 22, 'centum aureos et mille argenteos et centum folles aeris'; *CIL* v, 1880, 'denarium folles sexcentos'; 1973, '\* fol. sescentos'; 2046, '\* foll. quingentos'.

<sup>5</sup> *P. Ryl.* 607, *P. Oslo* III, 83, *PSI* 965: their contents are summarized in *Ec. Hist. Rev.* v (1953), 317–8.

<sup>6</sup> *Num. Chron.* 1957, 32.

<sup>7</sup> *Ed. Diocl.* xxx, 1. The reading has been doubted, but is correct, see *Ec. Hist. Rev.* v (1953), 299.

<sup>8</sup> *P. Oxy.* 2106.

<sup>9</sup> *Archiv Pap.* xv (1953), 104; *PSI* 310.

<sup>10</sup> *P. Thead.* 33 and *P. Oxy.* 1653, as interpreted by S. Bolin, *State and Currency in the Roman Empire to 300 A.D.*, 311–13.

<sup>11</sup> *P. Oxy.* 1430.

to less than  $\frac{1}{24}$  lb. gold or  $\frac{5}{8}$  lb. silver. In coins the value of the *folles* would have been at the earlier date 6 *aurei* or 144 *argentei*,<sup>12</sup> at the later  $2\frac{1}{2}$  *aurei* (or 3 *solidi*) or 60 *argentei*.

The few early references to *folles* none of them yield precise figures, but they are consonant with the range of values postulated above. A papyrus of 308-9 appears to indicate (its language is very obscure) that a fine of 5 *folles*, equivalent at that date to  $\frac{1}{2}$  lb. gold, was levied on villagers who left their own villages; <sup>13</sup> this may be compared with a law of 386 which imposed a fine of 6 oz. gold on those who harboured a runaway *colonus* of a private landlord.<sup>14</sup> Two constitutions dated 315 enact a fine of 30 *folles* for premature appeals; <sup>15</sup> by a law of 341 the penalty for the same offence is fixed at 30 lb. silver.<sup>16</sup> This implies a value of the *folles* intermediate between those of 307 and 324. The other references are even vaguer. In 312-3 Constantine allocated 3,000 *folles* for the relief of the African Church,<sup>17</sup> and shortly before that time, according to evidence submitted in 320 to Zenophilus, the consular of Numidia, Lucilla, a lady of senatorial rank, gave 400 *folles* to Silvanus, bishop of Cirta, ostensibly for the poor, but in reality to secure the election of Majorinus to the see of Carthage, and one Victor gave 20 *folles* to the same bishop to be ordained priest.<sup>18</sup> These figures are not unreasonable if the *folles* was worth between  $1\frac{1}{2}$  lb. and 1 lb. silver; the two last are perhaps rather high, but it must be remembered that they are allegations made about eight years after the event and that none of the witnesses claimed to have counted the money.

There remains the *gleba*, the surtax imposed by Constantine on senators, which was levied at the rate of 8, 4, or 2 *folles* according to the wealth of the taxpayer.<sup>19</sup> Hesychius of Miletus, who wrote under Justinian, about a century after the *gleba* had been abolished by Marcian, states that the tax was of 8, 4, and 2 lb. gold,<sup>20</sup> but this for two reasons cannot be right. In the first place the pound of gold was a common monetary unit, frequently mentioned as such in the laws, and there is no reason why Constantine should have used the term *folles* for it, especially as *folles* had a recognized other meaning. In the second place, when the Senate complained of the burdensomeness of the tax on its humbler members, Theodosius I in 393 conceded that a new minimum scale of payment, at 7 *solidi*, should be instituted for the poorest senators, insisting that those who did not feel equal to paying this sum must resign their rank.<sup>21</sup> If the lowest scale hitherto had been 2 lb. gold, that is 144 *solidi*, the reduction is clearly far too great. It is plain that 2 *folles* must have been a sum exceeding, but not greatly exceeding, 7 *solidi*.

There is another puzzle about the senatorial *folles*. In this context, and in this context alone, does the *folles* appear to retain something like its original value. All other references to it indicate, as will be shown later, that in the fifty years following 324 it sank catastrophically. The clue to this puzzle is perhaps to be found in Epiphanius' treatise *de mensuris et ponderibus*. The original appears to have been a farrago of miscellaneous metrological information, Greek, Roman, and Hebrew, dating from all periods, and we only possess abstracts of the work in various versions, Greek, Latin, and Syriac.<sup>22</sup> The original book was, however, written in 392 and its information about the *folles* is thus more or less contemporary. In one passage Epiphanius distinguishes between two reckonings of the *folles*, one in *denarii* (κατὰ τὸν δηναρισμὸν) and the other in silver or silver coins (κατὰ τὸν ἀργυρισμὸν).<sup>23</sup> The former is equated with 2 or  $2\frac{1}{2}$  silver coins (the MS tradition varies), which are again equated to 250 *denarii*. Another passage which states that 'the *folles* makes up 125 silver coins; and it is called among the Romans a sack' must presumably refer to the *folles* reckoned in silver.<sup>24</sup>

<sup>12</sup> I give this name to the silver coins struck by Diocletian at 96 to the pound.

<sup>13</sup> See above, n. 2.

<sup>14</sup> *Cod. Theod.* v, xvii, 2.

<sup>15</sup> *Cod. Theod.* xi, xxxvi, 2 and 3; for the dates see Seeck, *Regesten*, 54.

<sup>16</sup> *Cod. Theod.* xi, xxxvi, 5.

<sup>17</sup> Eusebius, *Hist. Eccl.* x, 6.

<sup>18</sup> Optatus, *App.* i.

<sup>19</sup> Zosimus ii, 19; the figures come from Hesychius (see below, n. 21), but the minimum scale of 2 *folles* is confirmed by *Cod. Theod.* vi, ii, 13.

<sup>20</sup> Hesychius, fr. 5; *FHG* iv, 154.

<sup>21</sup> *Cod. Theod.* vi, ii, 15.

<sup>22</sup> Two Greek versions are printed in Hultsch, *Metrolog. Script. Rel.* i, 259-67, 267-71, with variant readings on p. 144, n. 4, and ii, 151-2; the Latin version in ii, 100-06. For the Syriac version see Or. Inst. Univ. Chicago, *Stud. Anc. Or. Civ.* xi (1935).

<sup>23</sup> Hultsch, o.c. i, 267 (§ 49); cf. 144, n. 4, and ii, 151-2; Latin version, ii, 105 (§ 40).

<sup>24</sup> o.c. i, 269 (§ 17).



I would, on the basis of these facts, suggest that Constantine, no doubt because the *folles* was rapidly depreciating, enacted that for the purposes of the *gleba* it should be reckoned in silver coins, whose value was more or less stable. If I am right in believing that the *folles* contained 12,500 *denarii*, he based this valuation on an equation of the silver coins to 100 *denarii*, which is attested in another passage of Epiphanius, and by St. Maximus, who wrote at an unknown date a treatise 'on the value of the 30 pieces of silver which Judas received for the betrayal of Christ'.<sup>25</sup> The equation of the silver piece to 100 *denarii* may also explain the name *miliarensis* which was—at any rate in the latter part of the fourth century—given to the standard silver coin. A coin tarified at 100 'pieces of ten' might well be dubbed 'a piece of a thousand', which is the obvious meaning of *miliarensis*.<sup>26</sup> The standard silver coin of Constantine's day was that struck at 96 to the pound, and a papyrus shows that some time in the fourth century after 324 the pound of silver was officially priced at 4 *solidi*, that is  $\frac{1}{18}$  lb. gold.<sup>27</sup> The evaluation of the *folles* at 125 silver coins and the silver coin at 100 *denarii* thus implies that the price of the pound of gold was at the time  $18 \times 96 \times 100$ , or approximately 175,000 *denarii*, which would fit for a date intermediate between 308, when the price was 125,000, and 324, when it was over 300,000.

The *folles* at 125 *miliarensia* would have amounted to a little over  $1\frac{1}{4}$  lb. silver and been equivalent to a little over 5 *solidi*. The minimum tax of 2 *folles* would thus have been just over 10 *solidi*. The *miliarensis* or standard silver coin did not remain unchanged, being reduced in 348 to  $\frac{1}{144}$  lb., but this reduction was probably accompanied by an increase in the price of silver from 4 to 6 *solidi* to the pound, so that the reduced *miliarensis* retained the value of a *siliqua* ( $\frac{1}{24}$  *solidus*). The *folles* would thus have retained its old gold value, if it still consisted of 125 coins, though these were smaller. If on the other hand it was reckoned at the original amount of silver by weight, its gold value would have risen to  $7\frac{1}{2}$  *solidi*, and the minimum tax to 15 *solidi*. In either case the lower minimum of 7 *solidi* conceded in 393 would have afforded some relief to poor senators.

The *denarius* continued to depreciate with ever increasing speed after 324. Papyri, none of them unfortunately dated, show that the *solidus*, which in 324 was worth about 4,350 *denarii*, was later priced at 54,000; 150,000; 180,000; 275,000; 5,760,000; 20,200,000; 37,500,000; 45,000,000.<sup>28</sup> The *folles* reckoned in *denarii* also sank very rapidly in value, it would seem, though it is impossible to extract any very exact figures from the evidence.

Both the text and the date of *Cod. Theod.* VII, xx, 3, are corrupt. It enacts that veterans should receive either land, a pair of oxen, 100 *modii* of seed corn and 'pecuniae in nummo viginti quinque milia follium', or if they wished to go into trade, should have immune from tax 'centum follium summam'. As Seeck suggested, the word 'milia' cannot be right: on the basis of a variant manuscript reading 'militia' he proposed 'viginti quinque militiae praemium folles'. The other figure gives some clue to the contemporary value of the *folles*. In 385 the government conceded to veterans 'quindecim solidorum in mercimoniis omnibus immunitatem',<sup>29</sup> and in 379 gave clerical traders an immunity of 10 *solidi* in Illyricum and Italy and of 15 *solidi* in Gaul.<sup>30</sup> A 100 *folles* should therefore be roughly equivalent to 15 *solidi*, and the *folles* would thus be worth about  $\frac{1}{7}$  *solidus* or 14 *miliarensia*. This is a sharp drop from the 3 *solidi* deduced for 324. The date 'iii Id. Oct. Constantinop. Constantino A. VI et Constantino Caes. coss.' cannot be right as Constantinople had not been founded in 320. Of the possible corrections suggested by Seeck,<sup>31</sup> 325 or 329, the latter year seems preferable.

<sup>25</sup> O.C. I, 267 (§1), as corrected in II, 152 (cf. I, 143-4).

<sup>26</sup> O.C. I, 302-3.

<sup>27</sup> As, owing to the rapid depreciation of the *denarius*, the equation soon ceased to be valid, the meaning of the word *miliarensis* was quickly forgotten. In Epiphanius' day the current explanation was *μιλιαρίσιον δὲ τὸ ἀργυροῦν, ὃ ἐστὶ στρατιωτικὸν δόμαρ* *μιλίτια γὰρ ἡ στρατεία* (I, 269 (§16)). This explanation is rightly dismissed as folk etymology, but the other, that the *miliarensis* was so called because it was equivalent to  $\frac{1}{1000}$  lb. gold, which depends

on a nomic gloss of quite uncertain date (cited in Dindorff's edition of Epiphanius, vol. IV, pars I, 128) though scarcely more plausible, received Seeck's approval and is still widely accepted.

<sup>28</sup> *SPP* I, 4, cf. *Num. Zeitschr.* N.F. VI (1913), 161 ff., 219 ff.

<sup>29</sup> *PER* 187, 37; *SPP* XX, 96, 81; *Sb.* 7034; *P. Oxy.* 1223; *PSI* 960-1.

<sup>30</sup> *Cod. Theod.* XIII, I, 13.

<sup>31</sup> *Cod. Theod.* XIII, I, 11.

<sup>32</sup> *Regesten*, 82.

*Cod. Theod.* XIV, xxiv, 1, of 328, which enacts that *mensae oleariae* at Rome should be sold when they fall vacant for 20 *folles*, but might not be resold for a higher sum, is not very illuminating, but 3 *solidi* is a possible sum in this context. The next law which mentions *folles* is *Cod. Theod.* VI, iv, 5, of 340, which fixes the sums to be spent on their games by the three praetors of Constantinople. They are 'viginti et quinque milium follum et quinquaginta librarum argenti' for the first, 'viginti milia follum et quadraginta libras argenti' for the second, and 'quindecim milia follum ac triginta argenti libras' for the third. It has sometimes been assumed that the sums in *folles* and those in silver are of equal value, in which case 500 *folles* would be equivalent to 1 lb. silver, and 125 therefore to a *solidus*. The assumption is, however, gratuitous, and the sums in *folles* might be considerably larger, say four or five times those in silver. But this law does suggest that the *follis* was by now worth considerably less than  $\frac{1}{4}$  *solidus*.

The *follis* is next mentioned in *Cod. Theod.* IX, xxiii, 1, dated to 356.<sup>33</sup> It attempts to check speculation in copper coin by prohibiting its transport from place to place, but allows merchants to carry on their own animals not more than 1,000 *folles* for their expenses. In this context 1,000 *folles* is evidently a very small sum, equivalent to 1 or 2 *solidi*; the annual rations of a soldier were commuted for 4 *solidi*,<sup>34</sup> and a merchant, even if he had several pack-animals and a slave or two, would not have needed half that sum for the expenses of a single journey.

In a law of Julian (*Cod. Theod.* XIV, iv, 3, of 363) it is implied that the official rate at which pork required for Rome was commuted was 6 *folles* a pound. A novel of Valentinian III shows that in 452 the official price of pork bought for Rome was 240 lb. to the *solidus*.<sup>35</sup> There is no reason to believe that the real value of pork, as expressed in its gold price, varied greatly in the fourth and fifth centuries, and it is therefore legitimate to infer that in 363 the *follis* was worth only about  $\frac{1}{1500}$  of a *solidus*.

In two passages, Augustine alludes to *folles* in terms which suggest that they were of very small value in Africa in the early fifth century. In a sermon he tells of a man of moderate means who, having sold a *solidus*, ordered 100 *folles* out of the price to be paid to the poor: a thief later stole the money 'from which a small part had been given to the poor'.<sup>36</sup> It may be presumed that 100 *folles* did not exceed the canonical tenth of the value of the *solidus*, and was probably less. In the *Civitas Dei* <sup>37</sup> he tells of Florentius, a poor cobbler of Hippo, who lost his cloak (*casula*). In his distress he prayed to the Twenty Martyrs, and some boys jeered at him 'as if he had asked the Martyrs for 500 *folles* wherewith to buy clothes'. However, as he went home he found a large fish on the sea shore, which he sold to a cook for 300 *folles* and planned with this money 'to buy wool so that his wife could make something for him to wear as best she could'. It appears then that a very cheap garment might be obtained for 500 *folles*, but that for 300 one could buy only the raw material. Clothes were expensive. At about this period, Pinianus, the husband of Melania the younger, obtained a very cheap suit at Rome for a *solidus* or 2 *tremisses* (the Greek and Latin versions of the *Life* differ on this point),<sup>38</sup> and in 395 the clothing allowance for a military cloak (*chlamys*) in Illyricum was raised from 2 *tremisses* to a *solidus*.<sup>39</sup> We do not know precisely what a *casula* was, but the garment which Florentius wanted to buy was probably much cheaper than a military *chlamys*. In the *Edictum de pretiis* a military *stiche* of linen is priced at 1,500 to 1,000 *denarii* and a coarse linen *stiche* 'for the use of commoners and slaves' at 750 to 500. Among woollen garments a 'best indictional *chlamys*' cost 4,000 *denarii*, whereas an African *birrus* is put at only 1,500 and an African *sagum* at as little as 500.<sup>40</sup> The story of Florentius thus suggests that 500 *folles* was equivalent to about a *tremissis*.

The above evidence shows that the *follis* depreciated progressively from the early years of the fourth century, and depreciated sharply. The *denarius* of the Egyptian papyri also sank progressively in value, and to a comparable degree. It is unfortunately impossible

<sup>33</sup> This date has been questioned, but is probably right. Constantina of the subscription must be Arles, and Rufinus thus praetorian prefect of the Gauls.

<sup>34</sup> Val., *Nov.* XIII, 3 (445).

<sup>35</sup> *ibid.*, xxxvi, 2.

<sup>36</sup> Aug., *Serm.* 389, 3.

<sup>37</sup> XXII, 8.

<sup>38</sup> *Vita S. Melaniae Jun.* 8; *Anal. Boll.* VIII (1889), 26 (Latin), XXII (1903), 13 (Greek).

<sup>39</sup> *Cod. Theod.* VII, vi, 4.

<sup>40</sup> *Ed. Diocl.* xxvi, 28-33; XIX, 1, 42, 61.

to make any exact comparison between the two, as no document gives the precise gold value of a *follis* and the documents which state the value of the *solidus* in *denarii* are none of them dated. One papyrus<sup>41</sup> does, however, yield a very rough cross check. It is dated 360, and indicates a price of 144,000 *denarii* for a pound of meat, as against the 6 *folles* of Julian's law of 363, which, if the *follis* consisted of 12,500 *denarii*, would be equivalent to 75,000 *denarii*. The correspondence is far from exact, but it must be remembered in the first place that the papyrus gives an actual market price, whereas the figure in Julian's law is an official commutation rate, which may well have been arbitrarily low, and in the second place that meat seems to have been dearer in Egypt than in the western provinces: the official military rate of commutation for meat was 200 lb. to the *solidus* in Egypt,<sup>42</sup> and 270 lb. in Africa.<sup>43</sup> Moreover, the exchange rate between the *solidus* and the copper currency certainly fluctuated from time to time and probably varied from province to province, according to temporary and local changes in the demand for either and the amount of either available on the market. When allowance is made for all these variables, the figures given by the papyrus of 360 and the law of 363 are not incompatible with the valuation of the *follis* at 12,500 *denarii*.

The *follis* must as it depreciated in value have soon ceased to be an actual purse of coins and it probably became, like the 'myriad of *denarii*' of the Egyptian papyri, a mere accounting unit. In the last quarter of the fifth century the name *follis* was applied to the large copper coins issued under the later Vandal kings in Africa and by Anastasius and his successors in the East. But the history of the *follis* in this later sense is another story.

<sup>41</sup> *P. Oxy.* 1056.

<sup>42</sup> *P. Cairo* 67320.

<sup>43</sup> *Val., Nov.* XIII, 4.



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## WERE ANCIENT HERESIES NATIONAL OR SOCIAL MOVEMENTS IN DISGUISE?

MOST modern historians of the later Roman Empire, whether secular or ecclesiastical, seem to agree that certain of the heresies and schisms of that period were in some sense national rather than purely religious movements.<sup>1</sup> They point to the fact that some heresies either were confined to certain areas, as was Donatism to Africa, or were at any rate particularly strong and persistent in some districts or among some peoples—as were Monophysitism in Egypt and Syria, or Arianism among the German tribes. They stress the fact that among these groups indigenous languages—Punic or Berber in Africa, Coptic, Syriac, or German—were adopted by the heretical or schismatic churches. Their general line of argument is that mere doctrinal differences, often of extreme subtlety, could not have engendered such powerful and enduring movements, and that their real and underlying cause must be sought in national sentiment. They often maintain that under the later Roman Empire long-dormant nationalism arose or revived in a number of areas, and was an important contributory cause in the downfall of the empire; for the dissident groups not merely stubbornly resisted the efforts of the imperial government to impose religious conformity upon them, but struggled to break away from the empire, supporting local pretenders or foreign invaders.

At the risk of a certain crudity I should like to state this thesis in more concrete terms. Did the average Copt say to himself, 'I am an Egyptian and proud of it. I hate the Roman oppressor, and will at the earliest opportunity cast off the alien yoke. Meanwhile I insist on speaking my native Coptic instead of Greek, the language of the foreign government, and I refuse to belong to its church. I do not know or care whether Christ has one or two natures, but as the Romans insist on the latter view, I hold the former'? This statement of the case appears to be implied by some historians, who speak of the heresies as a mere screen for nationalist aspirations. But if the last sentence seems to be too

<sup>1</sup> For a thoroughgoing statement of this thesis see E. L. Woodward, *Christianity and Nationalism in the Later Roman Empire* (London, 1916). The latest great historian of the period, E. Stein, *Geschichte des spätromischen Reiches*, i (Vienna, 1928), *Histoire du Bas-Empire*, ii (Paris, 1949), is its strong advocate. It is also adopted by the latest history of the Church, A. Fliche and V. Martin, *Histoire de l'Église*, iii, *De la paix Constantinienne à la mort de Théodose* (J. R. Palanque, G. Bardy, P. de Labriolle, Paris, 1945), iv, *De la mort de Théodose à l'élection de Grégoire le Grand* (P. de Labriolle, G. Bardy, L. Bréhier, G. de Plinval, Paris, 1947).

cynical even for the most private thoughts, one might substitute for it, 'The Romans anyhow are heretics, we Egyptians are clearly right in believing that Christ has one nature only. I will firmly reject any compromise which the Romans may offer, and even if they accept our view I will never be reconciled with them.'<sup>1</sup>

If they felt like this the heretics fairly certainly did not put their sentiments into writing. We are not, it is true, so well provided with heretical literature as we could wish: if the German Arians wrote anything, it has been lost. But we possess a considerable bulk of monophysite literature, including theological treatises, letters, and histories both ecclesiastical and secular. Some Donatist writings have been preserved, and others can be reconstructed from Augustine's elaborate refutations of them. In the vast amount of controversial literature on the orthodox side some reference would surely be found to the nationalist sentiments of their opponents if they had voiced them openly. What the sectaries actually said in public, so far as our record goes, was—to change the instance—'The Donatist church is the true Catholic church, and we will never communicate with *traditores*', but what they thought, we are asked to believe, was: 'We are Africans and hate the Rome government; we will have nothing to do with the Romans and will maintain our African church and if possible set up our African state.'

This is a thesis which is obviously difficult to prove or to disprove, for one cannot easily read the secret thoughts of men who lived 1,500 years ago. One can only examine their written words with care, in case they have inadvertently revealed their real thoughts, or endeavour to deduce their thoughts from their actions and policies.

It could also be held that the sectaries not only said, but in their conscious thought believed, that their quarrel with the government was purely religious, but that they really held their peculiar views because they were in harmony with their national temperament or were emotionally linked with their national group, and conversely really hated the orthodox because they were foreigners, though they genuinely thought that they condemned them as heretics. On this hypothesis the conscious thought of a Copt might be: 'We Egyptians are right in believing that Christ has one nature, and I abominate the Romans as heretics and hate them as persecutors. Rather than submit to their rule I would welcome a barbarian invader.' Or he might even say no more than: 'We hold the true orthodox faith, and I abominate the government because it is heretical and persecutes us', but really hate the Romans as foreigners.

In this attenuated form the nationalist hypothesis is even more difficult to prove or disprove. One can seek to discover whether hostility to

<sup>1</sup> The last clause is required by Stein's view, see below, p. 288.

the Roman government persisted even when it accepted the theological view of the dissident groups. One can inquire whether the theological views of the sectaries show any affinity with the pre-Christian beliefs of the group which held them. One can finally inquire how far adherence to certain theological views was coterminous with national groups, defined by criteria of language or religion.

To turn from generalities to special cases I will first consider the Donatists. Donatism was confined to the African provinces, and within that area it was both widespread and persistent, at all times commanding a wide following and at some periods dominating the whole country, and surviving despite many persecutions for close on three centuries to our certain knowledge, and probably longer. Many, if not most, of its adherents were Punic- or Berber-speaking, and its greatest strength lay in the least Romanized areas, especially southern Numidia. In some of its beliefs and practices, in particular in its morbid emphasis on martyrdom, it seems to show affinities with the pagan religion of the area. Its leaders co-operated with two native pretenders, Firmus and Gildo, and some of them are alleged to have had treasonable dealings with certain Goths in the early fifth century.<sup>1</sup>

To take their political activities first, the Donatists were certainly not anti-imperial at the beginning: they in fact appealed to the emperor against the Caecilianists.<sup>2</sup> When Constantine had finally rejected their cause, they raised the cry that the State should not interfere in religion<sup>3</sup>—as later the homoeousian party did when Constantius II favoured the Arians.<sup>4</sup> But when Julian ordered the restoration of banished clergy and confiscated church property they were happy to accept imperial aid.<sup>5</sup> That they co-operated with Firmus<sup>6</sup> and Gildo<sup>7</sup> need mean no more than that the pretenders exploited local grievances to win support for their personal ambitions, and that the Donatists, who by now had little hope of obtaining what they wanted from the legitimate government, decided to risk backing a pretender who might be successful. With a good deal less excuse the Spanish bishop Ithacius, when Gratian, or rather his master of the offices, supported the Priscillianists, transferred

<sup>1</sup> The evidence for these statements is well stated in Mr. W. H. C. Frend's work, *The Donatist Church* (Oxford, 1952), from which I differ only in some points of emphasis and interpretation.

<sup>2</sup> Aug. *Ep.* 88; Optatus, i. 22.

<sup>3</sup> Optatus, iii. 3, 'quid imperatori cum ecclesia?'

<sup>4</sup> Hilary, *Liber I ad Constantium*, C.S.E.L., lxxv, pp. 181–7.

<sup>5</sup> Optatus, ii. 16; Aug. *Contra Litt. Pet.* ii. 97. 224.

<sup>6</sup> Aug. *Ep.* 87. 10; *Contra Ep. Parm.* i. 10. 16, 11. 17; *Contra Litt. Pet.* ii. 83. 184.

<sup>7</sup> Frend, *op. cit.*, pp. 208 ff.

his allegiance to the usurper Maximus;<sup>1</sup> and yet no one has suggested that the Catholic Ithacius was a Spanish nationalist. It may be claimed that Firmus and Gildo, unlike Maximus, were leaders of national rebellions, but beyond the fact that they came from a Moorish princely family, there is nothing to suggest that they were not usurpers of the normal type, that is, ambitious individuals seeking for personal power. The record of the members of the family certainly does not suggest zeal for any cause but their own. When Firmus rebelled, his brother Gildo took the Roman side, and received the promotion on which he had no doubt counted. When he in turn rebelled, another brother, Mascazel, led the army which crushed him. There is in fact no reason to believe that the rebellions of Firmus and Gildo were different in kind from that of Alexander the Phrygian before them, or those of Heraclian and Boniface after them.

The negotiations of the Donatists with the Goths are only known from a letter of Augustine to Count Boniface, who had inquired whether Donatism and Arianism had any points in common.<sup>2</sup> Augustine replied that they had none, but that 'sometimes, as we have heard, some of them, wishing to conciliate the Goths to themselves, because they see that they have some power, say that they have the same beliefs as they'. It seems very unlikely that the Donatists were in touch with the Visigoths settled in Aquitania, and Boniface's interest in the matter suggests that it was his Gothic federates who were approached. If so the Donatists were merely making propaganda among influential persons in the entourage of the Comes Africae, and perhaps trying to curry favour with the Comes himself, who, we learn from a later letter of Augustine,<sup>3</sup> married an Arian wife. Or was Boniface himself thinking of striking an alliance with the Donatists when he put his question to Augustine? Augustine answers the question with the utmost brevity, and goes on to expatiate for pages on the doctrinal and historical issues involved. It is hard to believe that if he had had any suspicion that the Donatists were plotting treason against the empire he would have dismissed the matter so lightly.

There is no evidence that the Donatists made common cause with the Vandals. All that Victor Vitensis can say against them is that one Donatist, Nicesius, was perverted to Arianism.<sup>4</sup> It is scarcely credible that if they had taken the Vandal side or even secured toleration from them, this would not have been trumpeted abroad by their persecuted Catholic adversaries.

There is in fact very little hint that the Donatists cherished dreams

<sup>1</sup> Sulp. Sev. *Chron.* ii. 48-49.

<sup>3</sup> Aug. *Ep.* 220. 4.

<sup>2</sup> Aug. *Ep.* 185. 1.

<sup>4</sup> Victor Vitensis, iii. 71.



of a national African state. How far was the movement, in any national sense, African in character? It is no doubt true that a large proportion of Donatists were Punic- or Berber-speaking, and that the Donatist clergy used the indigenous languages for instruction and exhortation. But since Africa was a predominantly rural country, and most rural Africans knew no Latin, it was inevitable that any church which wished to rally the mass of the population had to use the native languages. On the Catholic side Augustine too was anxious to secure Punic-speaking clergy to take charge of rural areas.<sup>1</sup>

Nor was Donatism by any means confined to the humble strata of society where the native languages were spoken. The leaders and apologists of the movement, men like Parmenian (who was not even an African),<sup>2</sup> the learned and eloquent Tyconius,<sup>3</sup> the lawyer Petilian,<sup>4</sup> came from the cultivated and Romanized classes, and the penal law of 412 specifies appropriate penalties not only for circumcellions and plebeians, *negotiatores* and ordinary decurions, but for the higher urban aristocracy, the *principales* and *sacerdotes*, and for senators, *clarissimi*, *spectabiles*, and even *illustres*, the cream of Roman imperial society.<sup>5</sup> There is, furthermore, no suggestion that the Donatists took any pride in the indigenous languages. Their literature, or what survives of it, was all written in Latin, not only the controversial or apologetic treatises which were aimed at Catholics, but popular works, such as the Acts of Martyrs, meant for the encouragement of the faithful. The inscriptions of Donatist churches are all in Latin, even the slogans and war-cries of the circumcellions, like the famous 'Deo Laudes', were in Latin, the language of the enemy.

That Donatism may in the course of time have acquired certain African characteristics, derived from the pre-Christian beliefs of the people, may well be true. Popular Christianity everywhere tended to absorb local beliefs and customs. But I wonder whether the Donatist fixation on martyrdom may not be due as much to their quarrel with the Catholics as to any survival of primitive pagan ideas. They claimed to be the church of the martyrs as against the Catholics who were *traditores*, and martyrdom was therefore to them the touchstone of the true faith.

The Donatists certainly believed that in Africa only did the Catholic church survive, but they seem to have felt somewhat uneasy at their isolation. They apparently made abortive efforts to spread their faith in

<sup>1</sup> Aug. *Ep.* 84; 209. 3.

<sup>2</sup> Optatus, i. 5, ii. 7.

<sup>3</sup> Gennadius, *De Viris illustribus*, 18; Aug. *Contra Ep. Parm.* i. 1. 1.

<sup>4</sup> Aug. *Contra Litt. Pet.* iii. 16. 19.

<sup>5</sup> *Cod. Theod.* xvi. v. 52, cp. 54.

Spain. They may have negotiated with the Arians of Sardica in the hope of finding churches unsullied by *traditio* in the East. It is significant that they maintained a pope of the true faith at Rome throughout the fourth and early fifth centuries.<sup>1</sup> The fact, however, remained that for all practical purposes their church was confined to Africa, and they were reduced to interpreting a phrase from the Song of Songs, 'ubi pascis ubi cubas in meridie', as a prophecy that such was God's will.<sup>2</sup>

That Donatism should have had so strong a hold throughout Africa and should have been confined to Africa can be explained by the historical circumstances in which the movement arose. It would appear that the African provinces were exceptional in that Christianity had already in the latter part of the third century captured the countryside.<sup>3</sup> They were also exceptional in the number of their confessors and martyrs in the Great Persecution. These two facts are not unconnected. It is clear from contemporary accounts that in both the Decian and Diocletianic persecutions upper-class Christians lapsed in very large numbers, and that the confessors and martyrs were mainly men and women of the lower orders. This was not unnatural. The upper classes feared for their property and position and could be more easily intimidated by the threat of torture, from which they were normally immune. The poor had less to lose and to them flogging was an everyday occurrence. It may be added that the poor might well hope to pass undetected if they failed to comply with the law, whereas the rich would be more likely to be denounced.

It would seem likely, then, that in Africa a larger proportion of Christians remained steadfast than in most parts of the empire. Not unnaturally they took a less charitable view of the lapsed than that which prevailed in other provinces. Throughout Africa feelings were tense, and a rupture was likely between the rigorist and the lenient groups. The dispute over the election of Caecilian fired the spark, and inevitably involved all Africa, for Carthage had for long been acknowledged as the primatial see of all the African provinces. But outside Africa the churches had no sympathy with the rigorist party, and having decided that Caecilian was the lawful bishop of Carthage they took no further interest in the affair.

Only in one other province do we hear of a similar movement. In Egypt, where as in Africa Christianity had in the third century spread to the rural areas, the resistance to the Diocletianic persecution was stubborn, and a rigorist party, the Melitians, refused to readmit the

<sup>1</sup> Frend, *op. cit.*, pp. 164, 170.

<sup>2</sup> Aug. *Ep. ad Catholicos*, 16. 40; *Serm.* 46. 36-37, 138. 9-10.

<sup>3</sup> Frend, *op. cit.*, pp. 83 ff.

lapsed to communion.<sup>1</sup> But the Donatists seem never to have made contact with the Melitians; they were too far away. Melitianism remained confined to Egypt, where it lasted into the eighth century at least.<sup>2</sup> But it never became a dominant force there. The claim of the Melitians to be the Church of the Martyrs must have been gravely shaken when Peter of Alexandria, whose lenient views they denounced, himself died as a martyr, and the see of Alexandria was filled by a succession of able and ruthless bishops, who quickly broke the spirit of the rebels.

That Donatism survived so stubbornly is hardly a matter for surprise. Throughout history religious feuds have been long-lived, and have often survived when the original cause of quarrel has been almost forgotten. The Donatists were from the beginning a large group, which it was difficult to stamp out, and the intermittent and not very efficient persecutions which they suffered served only to embitter them—in these circumstances the blood of the martyrs was the seed of the church.

The Copts have *a priori* a stronger case to be regarded as a nation than the Africans for, whereas the inhabitants of the diocese of Africa had never formed a political unit, Egypt had in the past been a national kingdom, and long after that kingdom had fallen had cherished a strong national sentiment based on the traditions of the past and fostered by its peculiar religion. Under the later Ptolemies there had been revolts which had aimed at expelling the aliens and setting up a native dynasty, and as late as the third century A.D. copies were circulating of the Prophecy of the Potter, which holds out apocalyptic hopes of a king who should deliver Egypt from the yoke of the foreigners, and destroy 'the city beside the sea' which was 'the nurse of all men; every race of men dwelt within her'.<sup>3</sup> Alexandria also had its patriotic anti-Roman tradition witnessed by the Acts of the Pagan Martyrs, in which the city is represented as the champion of Hellenism against Roman tyrants and their Jewish protégés.<sup>4</sup> The anti-Roman movements of Egypt and Alexandria were it may be noted quite distinct and mutually hostile; the Alexandrian documents refer with contempt to Egyptians, and the Egyptian reflect hatred of Alexandria.

There is no evidence that either tradition survived the triumph of Christianity. The Egyptian tradition was closely linked with old native religion, and the Alexandrian with pagan Hellenism. Certainly in Chris-

<sup>1</sup> Frend, *op. cit.*, p. 86. For a full account of the Melitians see H. I. Bell, *Jews and Christians in Egypt* (London, 1924), pp. 38 ff.

<sup>2</sup> Bell, *op. cit.*, pp. 42-43.

<sup>3</sup> *Hermes*, xl (1905), pp. 544 ff.

<sup>4</sup> Collected in H. A. Musurillo, *The Acts of the Pagan Martyrs* (Oxford, 1954).

tian Egypt no trace survived of the old antagonism between Egypt and Alexandria; Alexandria was the undisputed religious capital of Egypt. This fact seems decisive proof that there was no conscious survival of the old Egyptian nationalism in the Christian period.

The nationalist thesis in the case of Egypt is based on much the same arguments as in that of Africa.<sup>1</sup> It is argued that the stubborn and unanimous devotion of the Egyptians to the monophysite doctrine must have been derived from some other cause than the very subtle theological issues involved, and was in fact an expression of national Egyptian sentiment and hatred of the Roman empire. In support of this hypothesis two pieces of evidence are produced, the use of the Coptic language by the Egyptian church, and the alleged welcome given by the monophysite Egyptians to the Persians and to the Arabs.

The linguistic point is not convincing. Coptic was the normal language of the great majority of rural Egyptians, very many of whom knew no Greek. It was naturally adopted by the church as soon as Christianity spread to the countryside, and was employed long before the Egyptian church became heretical. Long after the split the intellectual leaders of the monophysite church continued to be Greek-speaking, and the literature of the movement was written in Greek. Ultimately, it is true, the monophysite church became purely Coptic and the Orthodox purely Greek; but this was only after the Arab conquest, when Greek gradually died out in Egypt and the native church naturally abandoned its use, while on the other hand the Orthodox patriarch was a nominee of the Byzantine government, often non-resident.

In the sixth century there is no very convincing evidence that Greek-speaking Egyptians favoured Chalcedon and Copts opposed it. Alexandria, where the Greek element was strongest, was a stronghold of monophysitism: John the Almoner, when he became patriarch in the early seventh century, found only seven churches in the hands of the Chalcedonians.<sup>2</sup> It may well be that in periods when the penal laws were enforced, members of the local aristocracy conformed for prudential reasons. Flavius Apion was persuaded by 'the most pious and faithful emperors', Justin and Justinian, to adopt the Chalcedonian faith: if he had not he might well have forfeited his patrician rank and his great estates. But until the change of emperors made a change of faith

<sup>1</sup> For scholarly and moderate statements of the case see J. Maspero, *Histoire des patriarches d'Alexandrie depuis la mort de l'empereur Anastase jusqu'à la réconciliation des églises jacobites*, 518-616 (Paris, 1923); E. R. Hardy, 'The Patriarchate of Alexandria: a Study in National Christianity', *Church History*, xv (1946), pp. 81-100; idem, *Christian Egypt: Church and People* (New York, 1952).

<sup>2</sup> Sophronius, *Vita Ioh. Eleemos.* 5.

expedient, Flavius Apion, great aristocrat though he was, had been a monophysite,<sup>1</sup> and his descendants later returned to that faith.<sup>2</sup>

There is no hint of any anti-imperial movement, much less any rebellion, during the period of close on two centuries that elapsed between the Council of Chalcedon and the Arab conquest. The Alexandrians, of course, frequently rioted when the imperial government forced Chalcedonian patriarchs upon them, and considerable bodies of troops had to be used to suppress them. But during the periods when the emperors favoured or tolerated monophysitism, the Egyptians seem to have been content. Ernst Stein has made much of one incident.<sup>3</sup> When in 516 Anastasius, whose monophysite sympathies were by now quite undisguised, appointed Dioscorus II to succeed John III as patriarch of Alexandria, the people objected that he had been uncanonically installed by the secular authorities, and insisted on the clergy, who had acquiesced, going through the form of electing him again. Next day they lynched the Augustal prefect, for praising Anastasius, according to Theophanes; Malalas says that it was a food shortage that provoked the attack on the Augustal.<sup>4</sup> This incident, Stein argues, proves that the Egyptians were unwilling to receive a good monophysite patriarch from a monophysite emperor: they were not really interested in the theological issue but wanted a patriarch of their own choice. The story certainly shows that the people of Alexandria were jealous of the canonical rights of their church, and resented the interference of the secular authorities: but this hardly proves hostility to the imperial government.

That the Copts welcomed the Persian invaders there is no evidence. They were certainly later remembered as cruel oppressors and persecutors, as appears from a prophecy attributed to Shenuda by a seventh-century biography.<sup>5</sup> Nor is there any good evidence that the Copts welcomed the Arabs.<sup>6</sup> The sources are most unreliable and confused, but from the best of them, John, bishop of Nikiu, who wrote about two generations after the event, it is evident that the rapid subjugation of Egypt by the Arabs was mainly due to the defeatism of Cyrus, the Chalcedonian

<sup>1</sup> *Acta Conc. Oec.* iv. ii. 170.

<sup>2</sup> J. B. Chabot, *Chronique de Michel le Syrien*, ii. 385 (read 'Strategios the patrician').

<sup>3</sup> E. Stein, *Histoire du Bas-Empire*, ii, p. 164.

<sup>4</sup> Theophanes, D.C. 6009; Malalas, p. 401 (Ed. Bonn.), fr. 41 (de Boor).

<sup>5</sup> M. Amélineau, *Monuments pour servir à l'histoire de l'Égypte chrétienne* (Paris, 1888); cp. idem, *Étude sur le christianisme en Égypte au septième siècle* (Paris, 1887), for a seventh-century Coptic life of Pistentios, bishop of Coptos, who fled into the desert on the advent of the Persians, and wrote to his flock, 'Because of our sins God has abandoned us: he has delivered us to the nations without mercy'.

<sup>6</sup> See A. J. Butler, *The Arab Conquest of Egypt*.

patriarch and prefect, and to the dynastic disputes which paralysed the government at Constantinople after the death of Heraclius. He records, it is true, that the Arabs were encouraged not only by the weakness of the Roman troops, but by the hostility of the people to Heraclius on account of the recent persecution.<sup>1</sup> But the reaction of the Egyptians seems to have been confused and uncertain, some fleeing in panic,<sup>2</sup> others deserting to the Arabs,<sup>3</sup> others resisting to the best of their ability.<sup>4</sup> The people of Alexandria were certainly horrified when they learned that they were to be surrendered to the Arabs under the final treaty.<sup>5</sup>

John's own attitude is significant. He regards the Arab conquest not as a deliverance, but as a calamity, the judgement of God upon the emperor Heraclius for persecuting the orthodox. It is to him strictly comparable with the earthquakes and plagues whereby God punished the previous apostasy of Justin and Justinian. But even more significant is the whole tone of John's history. If there had been anything that could truly be called a Coptic national movement, one would have expected it to develop its own version of history, in which the Egyptian people would play a heroic or at least a central role, and its resistance to the alien oppressor would be glorified. John in fact produces a standard history of the Roman Empire, merely reversing the Chalcedonian judgements on the merits of the successive emperors. He denounces Marcian and Pulcheria, Justin and Justinian, and above all Heraclius, the arch-persecutor. But he praises Anastasius, and even Tiberius who was merely tolerant of monophysitism. He betrays no hatred of the Roman Empire as such, and so far from rejoicing in its fall, laments the disasters which the apostasy of certain emperors brought upon it.

It remains true, of course, that the Egyptian church almost throughout its history maintained a remarkable solidarity, tenaciously supporting the doctrines of its chiefs, the patriarchs of Alexandria, through thick and thin; provided, of course, that these patriarchs were canonically elected and upheld the doctrines of their predecessors. To usurpers, who were intruded by an external authority and betrayed the traditions of the see, it maintained uncompromising resistance. The Egyptian church never wavered in its devotion to the homoousian doctrine enunciated by Alexander and Athanasius, and the monophysite doctrine of Dioscorus.

This monolithic solidarity may be attributed to national sentiment, but it is more simply explained by the structure and traditions of the Egyptian church. From the earliest times the bishop of Alexandria had

<sup>1</sup> R. H. Charles, *The Chronicle of John bishop of Nikiu*, cxv. 9.

<sup>2</sup> Op. cit. cxiii. 6, cxv. 6, cxx. 28.

<sup>3</sup> Op. cit. cxiii. 2, cxix. 1.

<sup>4</sup> Op. cit. cxv. 1-3, 10.

<sup>5</sup> Op. cit. cxx. 24-26.

virtually appointed all the other bishops of Egypt, and by tradition he exercised an absolute authority over them. As the Egyptian bishops at Chalcedon protested, when they were ordered to sign the statement of the dyophysite faith: 'the ancient custom has prevailed in the Egyptian diocese that all the bishops obey the archbishop of Alexandria'.<sup>1</sup> In these circumstances the Egyptians never heard any view but that of their patriarch, and they naturally accepted it as gospel. That it was the supremacy of the patriarch and not any national spirit of unanimity which produced the solidarity of the Egyptian church is strongly suggested by the fact that when under Justinian there was for a long period no genuine patriarch in Egypt, the unity of the church broke down and rival parties formed within it.<sup>2</sup>

The people of Egypt—whether they spoke Greek or Coptic—naturally took great pride in the renown of their patriarchal see. The bishops of Alexandria claimed a pre-eminent position in the church and plumed themselves on being unerring champions of orthodoxy. They resented the rival pretensions of the see of Constantinople, and took a certain malicious pleasure in humbling its successive occupants—John Chrysostom, Nestorius, Flavian—whenever they could catch them out in canonical or doctrinal deviations. The people of Egypt rejoiced in their triumphs and were bitterly chagrined at their defeats. The sullen refusal of the Egyptian church to accept any compromise on the monophysite issue was probably due not so much to the doctrinal differences involved, which were very minute, as to loyalty to Dioscorus' memory. Hence their insistence that Chalcedon, which had condemned him, must be explicitly anathematized; the Henoticon, which hedged on this point, was not satisfying to their pride. The Council's recognition of the patriarchal authority and primacy of Constantinople must also have contributed to Egyptian hatred of Chalcedon.

To turn to the Jacobite church of Syria,<sup>3</sup> the picture of a Syriac-speaking national monophysite church opposed to a Greek-speaking imperial orthodox church does not seem to be true for the period before the Arab conquest. In the first place the monophysite heresy was in the sixth century by no means confined to Syriac-speaking areas. John of Ephesus records that John of Hephæstropolis journeyed throughout Asia Minor, ordaining priests for the monophysite congregations, from Tralles and Ephesus in the west as far as Tarsus, and also visited Cyprus and Rhodes.<sup>4</sup> The journeys of James Baradaeus covered not only Syria and Armenia, but Cappadocia, Cilicia, Isauria, Pamphylia, Lycaonia,

<sup>1</sup> *Act. Conc. Oec.* II. i. 309.

<sup>2</sup> See Maspero, *op. cit.*

<sup>3</sup> See R. Devreesse, *Le Patriarcat d'Antioche* (Paris, 1945).

<sup>4</sup> John of Ephesus, *Lives of the Eastern Saints*, xxv.

Phrygia, Lycia, Caria, and Asia, as well as Cyprus, Rhodes, Chios, and Mitylene. Of the twenty-nine sees to which he consecrated bishops thirteen were in Egypt, seven in Syria and Mesopotamia, and nine in Asia Minor, Ephesus, Smyrna, Pergamum, Tralles, Aphrodisias, Alabanda, Chios, Tarsus, and Seleucia on the Calycadnus.<sup>1</sup> Later John speaks of the spread of the schism in the monophysite church from Syria into Armenia, Cilicia, Isauria, Cappadocia, and Asia.<sup>2</sup> Elsewhere he describes the flourishing monophysite churches of Pamphylia,<sup>3</sup> and he incidentally mentions monophysite bishops and communities in several other cities of Asia Minor, Sardis, Chalcedon, Nicomedia, Cyzicus, Prusias, Heraclea.<sup>4</sup>

In the second place the heresy did not establish itself in all Syriac-speaking areas. In Syria itself there was, and has been ever since, a strong Chalcedonian church, and in Palestine monophysitism after initially sweeping the field was soon stamped out. Ernst Stein cites the orthodoxy of Palestine as evidence for the nationalist thesis.<sup>5</sup> Palestine was, he argues, a more Hellenized land than Syria, and such non-Hellenized inhabitants as it had were Jews and Samaritans who stood outside the conflict. This picture is very questionable. The Samaritans were mainly concentrated in the territory of Neapolis, though they spilled over into neighbouring cities like Caesarea and Scythopolis.<sup>6</sup> The Jews were dominant in Galilee, where Sepphoris and Tiberias were completely Jewish cities,<sup>7</sup> but seem to have been eradicated from Judaea proper after the revolt of Barcochba, and had never been particularly numerous in the coastal plain or beyond the Jordan. Palestine was no more, and probably less, Hellenized than Phoenicia and Syria, and we have evidence of Syriac-speaking Christian townsfolk, who knew no Greek, at Scythopolis<sup>8</sup> and Gaza,<sup>9</sup> the latter a great centre of Hellenic culture.

<sup>1</sup> John of Ephesus, *Lives of the Eastern Saints*, 1.

<sup>2</sup> John of Ephesus, *Eccl. Hist.* iv. 19, cp. i. 39 (Cappadocia), ii. 32 (Asia and Cappadocia).

<sup>3</sup> Op. cit. v. 6.

<sup>4</sup> Op. cit. i. 15 (Sardis), *Lives of the Eastern Saints*, xlvi (Chalcedon, &c.).

<sup>5</sup> *Histoire du Bas-Empire*, ii, pp. 174 ff.

<sup>6</sup> This may be inferred from the story of the various Samaritan revolts, which were always confined to this area (Malalas, pp. 382-3, 445-7, 487-8 (Ed. Bonn.); Procop. *Aed.* v. vii; *Anecd.* xi. 24-30; Cyril. Scythop. *Vita Sabae*, 70).

<sup>7</sup> Epiphanius, *Adv. Haer.* 30. The Jewish revolt under Gallus was apparently in Galilee, its principal stronghold being Sepphoris (Soc. *H.E.* ii. 33; Soz. *H.E.* iv. 7).

<sup>8</sup> Eusebius, *Martyrs of Palestine*, i. 1, cited in Schürer, *Gesch. Jüd. Volkes*, ii, p. 381, n. 139.

<sup>9</sup> Marcus Diaconus, *Vita Porphyrii*, 66-68; Jerome mentions Syriac-speaking townsfolk at Elusa (*Vita Hilarionis*, 25).



The monophysite and Syriac-speaking areas therefore by no means coincided in the sixth century. Monophysitism gradually died in Asia Minor, which remained under the control of an orthodox government, whereas it survived and prospered under the toleration accorded by the Arabs in Syria, though it never ousted orthodoxy there and never penetrated again to Palestine.

Nor until after the Arab conquest was the Syriac language particularly associated with monophysitism. East of the Euphrates Syriac had a continuous history as a literary language, and here it was used by the churches both orthodox and heretical from the fourth century onwards. In Syria and Palestine Syriac survived only as the spoken language of the lower classes, especially in the country, and Greek was normally used by the churches, though for the benefit of the lower classes some concessions were made to Syriac. At Scythopolis there were at the beginning of the fourth century readers whose duty it was to translate the service into Syriac,<sup>1</sup> and later Publius of Zeugma, when Syriac-speaking postulants sought admission to his Greek-speaking monastery, allowed them to sing the service in their own tongue.<sup>2</sup> The same linguistic division existed in the monophysite church. Those of its apologists who came from east of Euphrates, Philoxenus of Hierapolis for instance, and John of Ephesus, wrote in Syriac. Severus of Antioch, who was by origin a Pisidian,<sup>3</sup> wrote both his theological works and his letters in Greek, and Zacharias of Mitylene, who came from Gaza,<sup>4</sup> composed his ecclesiastical history and his life of Severus in that language.

There is no evidence that the monophysites of Syria were politically disaffected to the empire. The only bishop who collaborated with a rebel in these parts was Calandion, the Chalcedonian patriarch of Antioch, who accepted the support of Illus at a time when the legitimate emperor, Zeno, had by the issue of the Henoticon proclaimed his sympathy with the monophysite cause.<sup>5</sup> We possess very long and detailed accounts of the wars waged under Justinian, Justin II, Tiberius, and Maurice between the Persian and the Roman empires in the very areas where monophysitism was strongest, but there is no hint in them that the monophysites gave the Persians any aid or comfort, or indeed regarded them with anything but fear and detestation. Nor is there any suggestion in the monophysite historians that they ever envisaged secession from the empire, or regarded the Romans as alien oppressors. Of the attitude of the Syrian monophysites in the later Persian wars under

<sup>1</sup> See p. 291, n. 8.

<sup>2</sup> Theodoret, *Hist. Rel.* 5.

<sup>3</sup> Zacharias, *Life of Severus*, *Patr. Or.* II. i, p. 10.

<sup>4</sup> *Ibid.*, pp. 23-24.

<sup>5</sup> Evagrius, *H.E.* III. 16.

Heraclius or during the Arab invasion we have no contemporary evidence.

The case of the Armenians is different. Armenia had been an independent kingdom down to the reign of Theodosius the Great, when it was partitioned between Rome and Persia, the latter getting the lion's share. Under alien domination the Armenians continued to feel and act as a nation. They had possessed their own church, which might truly be called national, since the early fourth century. In the middle decades of the fifth century they were involved in a struggle with Persia, which was endeavouring to impose Zoroastrianism on them, and took no part in the councils of Ephesus and Chalcedon. As late as 506 they were unaware of the issues involved, and learned of them only from certain Mesopotamian monophysites who were being persecuted, at the instigation of the Nestorians, by the Persian government. They naturally accepted the views of their fellow-sufferers, and affirmed their unity with the Romans, condemning Nestorius and the council of Chalcedon, and approving 'the letter of Zeno blessed emperor of the Romans'. When Justin and Justinian reversed Anastasius' ecclesiastical policy, they were apparently not consulted, and did not follow suit. This implied no hostility to Rome, however, for when in 572 they revolted against Persia they appealed to Justin II. He insisted on their subscribing to Chalcedon as a condition of aid, but they soon went back to their old beliefs. Maurice again attempted to impose the Chalcedonian position upon them, but the bishops of Persian Armenia refused to attend his council, and excommunicated the bishops of Roman Armenia, who had conformed. It was thus not hostility to Rome which led the Armenians into heresy; on the contrary they conformed to what was at the time the official Roman position. But having got used to this position they were unwilling to move from it, though they still regarded Rome as their natural ally and protector.<sup>1</sup>

The Arian German tribes are in a way a parallel case. There is, of course, no doubt that the Ostrogoths, Visigoths, Vandals, Burgundians, and Lombards were conscious national or tribal units. The Goths became Arians because they were evangelized at a time when Arianism was the official and dominant doctrine of the eastern part of the Roman Empire, and the other tribes seem to have learnt their Christianity from them. The question is why did the German tribes cling so tenaciously to their long out-moded heresy. Was it from national pride or because they believed that it was the true faith? In fact no doubt they remained Arians from mere conservatism, but they certainly were convinced that

<sup>1</sup> See V. Inglisian, 'Chalkedon und die armenische Kirche', in A. Grillmeier and H. Bacht, *Das Konzil von Chalkedon* (Würzburg, 1953), ii, pp. 361-417.

Arianism was true and pleasing to God. A remark of Sidonius Apollinaris about the Visigothic king Euric is revealing.<sup>1</sup> Euric was, Sidonius says, a fanatic and a persecutor, so much so that 'one might be in doubt whether he is leader of his tribe or of his sect'. 'His mistake is', he goes on, 'that he believes that success is granted to him in his dealings and plans in virtue of true religion, whereas he really obtains it in virtue of earthly good fortune.' Euric, in other words, like most Christians of his day, believed that God rewarded with worldly success those rulers who held the true faith and stamped out heresy, and attributed his own success to his zeal in promoting Arianism and crushing the heresy of the homoousians.

Of one sect only, so far as I know, has it been claimed that it was at bottom a social movement. Donatism has been represented as a revolutionary uprising of the poor against the rich.<sup>2</sup> For this view there is some solid evidence. Both Augustine and Optatus depict in vivid and circumstantial terms the activities of the circumcellions.<sup>3</sup> They gave their protection to tenant farmers against their landlords, to debtors against their creditors, and to slaves against their masters. 'No one was allowed to be safe on his estates. The bonds of debtors lost their force, no creditor was free to exact his money at that time.' Those who dared to disobey the letters of the Leaders of the Saints suffered dire penalties. Their houses were burnt down, they themselves were forced to work at the mill like slaves, or torn from their carriages and compelled to run behind while their slaves drove.

That circumcellion bands did from time to time exercise such a reign of terror in some areas cannot be doubted. The circumcellions were recruited from the poor peasantry, and were no doubt not averse from paying off old scores against oppressive landlords and extortionate moneylenders when they had a good excuse for doing so in the name of religion. But the circumcellions must be distinguished from the Donatist church; they were the storm-troopers of the movement, whom its official leaders did not always find it easy to control, and some of whose activities they may not have approved.<sup>4</sup> There is, so far as I know, no evidence that the Donatist church ever proclaimed any revolutionary programme of community of goods or freeing of slaves or remission of debt. In general, moreover, the activities of the circumcellions were inspired by religious zeal, and their victims were renegades who had

<sup>1</sup> Sid. Apoll. *Ep.* vii. 6. 6.

<sup>2</sup> F. Martroye, 'Un tentative de révolution sociale en Afrique', *Rev. quest. hist.* lxxvi (1904), pp. 353-416; lxxvii (1905), pp. 1-53.

<sup>3</sup> Aug. *Ep.* 108. 6. 18; 185. 4. 15; Optatus, iii. 4.

<sup>4</sup> Aug. *Contra Litt. Pet.* i. 24. 26; cp. ii. 23. 53, and *Contra Ep. Parm.* i. 11. 17.

deserted to the Catholic fold, or Catholics who had exercised pressure on Donatists to abjure their faith. There is an interesting letter of Augustine to the great senator Pammachius, who owned estates in Numidia, in which he heaps the most fulsome praise upon him for having had the courage to convert his Donatist tenants to catholicism, and expresses the hope that other senatorial landlords will be encouraged to follow his example.<sup>1</sup> From this it would appear that Donatist peasants were generally content to pay their rent to their landlords even if they were Catholics, and that the circumcellions would normally only take action against Catholic landlords if they tried to seduce their tenants from the faith.

The nationalist and socialist theories which I have been discussing seem to me to be based on a radical misapprehension of the mentality of the later Roman Empire. Today religion, or at any rate doctrine, is not with the majority of people a dominant issue and does not arouse major passions. Nationalism and socialism are, on the other hand, powerful forces, which can and do provoke the most intense feelings. Modern historians are, I think, retrojecting into the past the sentiments of the present age when they argue that mere religious or doctrinal dissension cannot have generated such violent and enduring animosity as that evinced by the Donatists, Arians, or Monophysites, and that the real moving force behind these movements must have been national or class feeling.

The evidence for nationalism of any kind in the later Roman Empire is tenuous in the extreme. It has been argued that when the imperial government in the fifth century tended to appoint senators of Gallic domicile to posts in Gaul, it was placating a sentiment of 'Gaul for the Gauls', which later found expression in the election of Avitus by the Gallic nobility.<sup>2</sup> But these facts imply no more than that Gallic senators expected their share of offices and naturally preferred to serve near home, and that in the anarchy which followed the death of Petronius they saw an opportunity of electing one of themselves to be emperor. Neither Avitus nor his backers had any intention of setting up a Gallic state; he intended to be emperor of the western empire. No one who has read the letters, poems, speeches, and histories which they wrote can doubt that the literate upper classes of the empire regarded themselves as Romans, as was only natural, seeing that they all shared the same cultural tradition. Of the lower classes we know little, since they were inarticulate. Very many of them spoke indigenous languages, but if they possessed any national traditions, they have not come down to us. In their actions, while they rarely displayed any positive loyalty to the

<sup>1</sup> Aug. *Ep.* 58.

<sup>2</sup> Sundwall, *Weströmische Studien*, pp. 8-26.

empire, neither did they show any positive hostility. Usually they accepted Roman or barbarian with equal apathy.

Nor again, though there was much misery and some discontent among the lower classes, is there much sign of a class-conscious hatred of the rich. In times of famine the urban populace sometimes rioted and lynched unpopular officials or rich men who were hoarding stocks of corn, but such outbursts were sporadic and unorganized. Peasant revolts were very rare. The most notable were those of the Bacaudae in Gaul and later also in Spain.<sup>1</sup> Three rebellions are known in Gaul, one under Diocletian, the second under Honorius, and the third under Valentinian III. All reached formidable proportions, and required large-scale military operations to suppress them. They each lasted for a number of years, were commanded by recognized leaders, and controlled substantial areas—the two last Armorica, that is the territory between the English Channel and the Loire. Unfortunately we have very little information about their inner character save that the Bacaudae are characterized as peasants, brigands, and runaway slaves, and that Exsuperantius, who suppressed the second outbreak in 417, is said to have ‘restored the laws and brought back liberty, and not suffered them to be slaves of their own servants’. Here we seem to have something more organized than sporadic jacqueries, but these revolts find no parallel in the rest of the empire.

On the other hand there is abundant evidence that interest in theology was intense and widespread. The generality of people firmly believed that not only individual salvation but the fortunes of the empire depended on correct doctrine, and it was natural that they felt passionately on the subject. Not all, of course, were well informed. Many humble Donatists shouted ‘Deo Laudes’ and denounced the Catholics as *traditores* without any clear understanding of the issues, or at best sang with gusto the songs which Parmenian had composed for their instruction.<sup>2</sup> Many an Egyptian monk could not have explained the subtleties of the monophysite doctrine, and was content to chant ‘who was crucified for us’ after the Trisagion, and to curse the Chalcedonians as Nestorians. But even uneducated people argued theological points with zest, and could cite the key texts and repeat the stock arguments. I need hardly

<sup>1</sup> The evidence is assembled by Thompson in *Past and Present*, ii (1952), pp. 11 ff.

<sup>2</sup> Aug. *Ep.* 55. 18. 34; *Praedestinatus, de Haer.* 43. Other examples of popular songs for the instruction of the ignorant on theological issues are Augustine’s *Psalmus contra partem Donati* and Arius’ *Thaleia*. If the latter was really, as Athanasius implies (*Or. c. Arianos*, i. 4), sung in the bars of Alexandria, the proletariat of that city must have had a strong taste for theological controversy: the surviving verses (cited in Athanasius, *de Syn.* 15) are not very inspiring.

remind you of Gregory of Nyssa's description of Constantinople during the Arian controversy. 'If you ask for your change, the shopkeeper philosophizes to you about the Begotten and the Unbegotten. If you ask the price of a loaf, the answer is "the Father is greater and the Son inferior"; if you say "Is my bath ready?"', the attendant declares that the Son is of nothing.'<sup>1</sup> And finally thousands of people were prepared to face deportation, pecuniary loss, torture, and even death on theological issues for most of which no national or social undertones can be discovered.

I would contend that under the later Roman Empire most people felt strongly on doctrinal issues and a high proportion had sufficient acquaintance with theology to argue about them with zest if without any deep understanding. It does not, of course, follow that they adopted whatever doctrinal position they held from a rational evaluation of the arguments for and against it. As today and in all ages most people's religious beliefs were determined by a variety of irrational influences. Some were swayed by the authority of a revered theologian, or more often by that of a holy man whose orthodoxy was guaranteed by his austerities and miracles. The great majority accepted what they had been brought up to believe as children, or the dominant belief of their social milieu. Some doctrines made a special appeal to certain classes of society. It has been claimed that in Asia Minor the areas where the rigorist sects prevailed coincided with those where native languages survived. This is not the whole truth, for, as we know from Socrates, there were in Constantinople, Nicomedia, Nicaea, and other great cities cultivated Novatians, like their delightful bishop Sisinnius, who when asked by censorious members of his flock why, being a bishop, he took two baths a day, replied: 'Because I have not got time for a third.'<sup>2</sup> But the bulk of the more fundamentalist Novatians were Phrygians and Paphlagonians, and Socrates is surely on the right lines when he explains this fact by saying that these people were naturally not addicted to the horse races and the theatre, and regarded fornication with horror.<sup>3</sup> He holds that the austerity of the Phrygians and Paphlagonians is due to the climate—they lie in the zone between the Scythians and Thracians, who are inclined to violent passions, and the peoples of the East, who

<sup>1</sup> Greg. Nyss., *Or. de deitate Filii et Spiritus Sancti* (P.G. xlv. 557).

<sup>2</sup> Socrates records a number of cultivated Novatian bishops of Constantinople: Marcian (iv. 9), Sisinnius (vi. 22), Chrysanthus (vii. 12), Paul (vii. 17), and also Ablabius, bishop of Nicaea, a rhetorician (vii. 12). The synod of Pazos, where the rural Novatians adopted the Quartodeciman heresy, was not attended by the leading bishops of the sect, those of Constantinople, Nicaea, Nicomedia, and Cotyaeum (iv. 28).

<sup>3</sup> Soc. *H.E.* iv. 28.

are subject to their appetites. The truth surely is that they were simple countryfolk, whose life was necessarily somewhat austere, and that they were naturally attracted by a severe doctrine which condemned indulgences to which they were not prone. The fact that they spoke an indigenous language is an index merely of their rusticity, and not of any mysterious affinity between Novatianism and Phrygian national culture.

In brief I would maintain that when the sectaries declared, as they did on our evidence declare: 'We hold the true faith and are the true church; our opponents are heretics, and never will we accept their doctrine or communicate with them, or yield to the impious government which supports them', they meant and felt what they said. Why they held their particular beliefs we in many cases cannot divine. Who can tell why in A.D. 450 out of the 800 villages in the territory of Cyrrhus one was Arian, one Eunomian, and eight remained stubbornly faithful to the doctrines of Marcion which had been generally condemned for some three centuries?<sup>1</sup> In some cases the sects more or less coincided with social or regional groups, and I have endeavoured to explain how this may have come about. But the line of demarcation between orthodoxy and heresy never, except in the case of the Armenians and the Germans, corresponded with anything that can legitimately be called a national, as opposed to a regional, division. It was inhabitants of Egypt, and not Copts, who were monophysite, and even in Africa, though Donatism made a greater appeal, as a rigorist sect, to the Punic- or Berber-speaking peasantry, many Romanized Africans were found on the Donatist side. And finally the sects never pursued political aims, whether national or social.

A. H. M. JONES

<sup>1</sup> Theodoret, *Ep.* 81, 113.

(i) DE TRIBUNIS PLEBIS REFICIENDIS

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## (i) DE TRIBUNIS PLEBIS REFICIENDIS

It is evident that there was no law expressly forbidding the re-election of tribunes of the plebs. When Tiberius Gracchus raised the issue, his colleagues were in doubt, though the majority apparently held that his candidature was inadmissible (Appian, *B.C.* I, 14–15). Two years later Papirius Carbo proposed a bill ‘ut eundem tribunum plebi quotiens vellet creare liceret’, which was rejected by the plebs (Livy, *Epit.* LIX, Cic., *de Amic.* 95). This event would have confirmed the presumption against the re-eligibility of tribunes, but of course made no change in the legal position. In fact Gaius Gracchus was re-elected in 123 (for 122) without any recorded protest. Only Appian endeavours to explain this, asserting that a law had been passed that if there were an insufficient number of candidates, the plebs might elect without restriction (Appian, *B.C.* I, 21, καὶ γὰρ τις ἤδη νόμος ἐκεκύρωτο, εἰ δῆμαρχος ἐνδέοι ταῖς παραγγελίαις, τὸν δῆμον ἐκ πάντων ἐπιλέγεσθαι). Appian’s statement has been justly doubted on two grounds (see Last in *C.A.H.* IX, 61–2). In the first place, it would have been in practice impossible for a tribune to be re-elected under his law, since the opposition would inevitably have put up ten candidates. In the second place, the re-eligibility of tribunes was still an open question in 110, when two tribunes insisted on standing a second time, and a prolonged dispute ensued (Sallust, *Jug.* 37, 2). Gaius Gracchus stood a third time but failed to be elected (Plut. *C. Gracch.* 12). Saturninus was re-elected in 101 for 100 and again in 100 for 99 (for the authorities see Broughton, *Magistrates*, I, 571, 576). These are the only known cases of re-election or attempted re-election in the late Republic.

If there was no positive law on the question, on what arguments would it have been debated? Our authorities unfortunately do not report the actual arguments used, but, from all we know of Roman political thought, they would have been based on precedent—*mos maiorum*. Hence, it could be argued on the one hand that in the distant past the plebs had re-elected their tribunes; the most famous case is that of Licinius and Sextius, who according to the accepted tradition were re-elected nine times (376–367 B.C.). On the other hand it could be argued that since that date no re-election had occurred. But there is in the story of the early Republic as preserved by Livy a much more informative precedent (Livy III, 64–5). In 449, we are told, all the tribunes desired to be re-elected, except one, M. Duillius. The lot fell on him to hold the elections, and he refused to accept the candidature of any of the old tribunes. Only five of the other candidates secured the requisite majority of the tribes, and he declared these only elected and charged them to co-opt five others to make up the college. This was done, but next year one of the tribunes, L. Trebonius, passed a law ‘ut qui plebem Romanam tribunos plebei rogaret is usque eo rogaret dum decem tribunos plebei faceret’. This Lex Trebonia is later invoked in a similar case which arose in 401 B.C. (Livy, V, 11).

Whether this story is historical does not matter for our purpose. What matters is whether it was part of the tradition current in the Gracchan age, and that there is no reason to doubt. As it appears in the pages of Livy the story has an optimate tone.

M. Duillius is a sturdy champion of the good cause, the other nine tribunes are actuated by ambition, L. Trebonius by malice against the patricians. But it is easy to see that the story could have been told with a different bias, and indeed some of the arguments of the opposite side are preserved in the Livian version: the nine tribunes urge that an experienced board is needed to withstand the counter-attacks of the patricians. Duillius could have been represented as a traitor to the plebs; for as a result of his action two patricians were co-opted on to the board. And the final verdict of the plebs was against him.

If this story was cited as a precedent, it may help to explain Appian's alleged law. Appian's source may have stated that there was an old law (the *lex Trebonia*) which enacted that ten tribunes must be elected, and that therefore (it was argued), though as a general rule re-election was improper, if fewer than ten tribunes were duly returned, the plebs might fill the vacancies from all including former tribunes. This explanation assumes that Appian mistranslated *renuntiatio* (ἀναγόμενσις) as παραγγελία (*professio*), which is perfectly credible, and that he mistook a legal argument based on an old law for the enactment of a new law, which again is by no means impossible for an historian of Appian's calibre.

It must now be asked how far the rather meagre facts recorded about actual or attempted re-elections of tribunes accord with this hypothesis. But first it is necessary to clarify a number of points about Roman electoral procedure. Normally candidates gave in their names to the presiding officer (or to a member of the college, one of whose members would preside). The presiding officer could accept or reject such names, but it is not clear that he had any legal power of enforcing his decision. A candidate might refuse to withdraw, and nothing could prevent voters from voting for him. Thus Sentius Saturninus, consul in 19 B.C., 'quaesturam petentis quos indignos iudicavit profiteri vetuit, et cum id facturos se perseverarent, consularem, si in campum descendissent, vindictam minatus est', and, moreover, when he refused to accept Egnatius Rufus' candidature for the consulship, 'cum id non obtinuisset, iuravit etiam si factus est consul suffragiis populi, tamen se eum non renuntiaturum' (Velleius, II, 92). It furthermore appears that the people might, if they chose, elect a man who was not even a candidate; Augustus was so elected consul in 22 B.C. and 19 B.C. (Cassius Dio, LIV, 6, 10), but refused to accept the office.

In the actual ballot each voter wrote down as many names as there were places to fill (that is, in our case, ten names), and in each voting unit (in our case, tribe) those (ten) persons were declared elected who headed the list; no quorum of votes was required. This at any rate was the rule under the *Lex Malacitana* (Bruns, *Fontes*<sup>7</sup>, 30, cap. lvi, 'is qui ea comitia habebit, uti quisque curiae cuius plura quam alii suffragia habuerit, ita priorem ceteris eum pro ea curia factum creatumque renuntiato, donec is numerus ad quem creari oportebit expletus sit'). As long as there were enough candidates, then, it was virtually certain that each tribe would elect ten candidates. It is disputable whether the tribes voted simultaneously or successively. At Malaca the *curiae* certainly voted simultaneously (cap. lv), and Dionysius of Halicarnassus appears to state that, by contrast with the *comitia centuriata*, in the *concilium plebis* the voting was 'at one summons' (*Ant. Rom.* VII, 59, ἰσόψηφοι δὲ καὶ ὁμότιμοι πάντες ἀλλήλοις γενόμενοι

μιᾶ κλήσει τὴν ψῆφον ἐπενέγκωσι κατὰ φυλᾶς). On the other hand an anecdote in Valerius Maximus (VIII, i, 7) is scarcely intelligible unless the tribes voted successively. Here, at a trial before the *concilium plebis*, when fourteen tribes have condemned (out of twenty-nine), as the result of an insulting remark of the accuser against the defendant sentiment swings violently over, and the rest acquit. This incident occurred in 329 B.C. There is no very certain evidence of later date, but Plutarch's account of the deposition of Octavius by Tiberius Gracchus, if strictly accurate, implies successive voting: Tiberius begged Octavius to yield not when the results of the voting of seventeen tribes had been declared, but 'when seventeen tribes had cast their vote' (Plut. *Tib. Gracch.* 12, ὡς αἱ δεκάεπτὰ τὴν ψῆφον ἐπενηνόχρισαν). It may be that Dionysius' language has been misunderstood. The main stress of the passage is laid on the fact that in the *comitia centuriata* the rich commanded a majority of the votes and voted first so that the poor often did not vote at all, and the meaning of the passage cited may be that in the *concilium plebis* rich and poor voted simultaneously in each tribe. It is also possible that the procedure was altered in the last days of the Republic or in the triumviral period.

Whether the tribes voted successively, as I think more probable, or they voted simultaneously and the results were declared successively, a man was returned as tribune as soon as he had scored a majority of tribes, that is eighteen out of the thirty-five, and the voting or declaration of results ceased when ten men had achieved this result. It should be noted that under this procedure there was a considerable element of chance in the election. Since thirty-five tribes each elected ten men, in the final count there were in effect 350 votes. These might, in an extreme case, be so distributed that nineteen men each got eighteen or more votes ( $19 \times 18 = 342$ ). In such a case it would depend on the lot, whereby the order of the voting (or of the declaration) was determined, which of the nineteen were elected. It can also be seen that it would not be often that only ten candidates would secure the quota necessary for election.

These being the rules of the game what would be the electoral tactics of a group which wished to secure the re-election of a man who had already been tribune? Their prime objective would be to secure that only ten persons, the man in question and nine others, gained the quota. The simplest way to achieve this, and probably the only practicable one, would be to draw up a 'ticket' of ten candidates, and to urge the electors to vote for C. Gracchus (or Saturninus) and his nine supporters, denouncing all other candidates as enemies of the popular cause. If the leader commanded strong support—and only in such a case was re-election possible at all—all the members of the team would secure such large majorities that there would not be enough votes left for any other candidates to reach the quota. The opposition tactic would be to run one strong candidate in addition to the ticket, in the hope that he might collect eighteen tribes; if he succeeded in doing so, C. Gracchus or Saturninus would be out, however large a vote he had secured.

Let us now review the facts. Gaius Gracchus, according to Plutarch (*C. Gracch.* 8), 'was elected tribune for the second time, though he was not a candidate and did not canvass, but owing to the enthusiasm of the people'. This is perfectly credible: Gaius may well have behaved with ostentatious correctness, not making an official candida-

ture, confident that the people would vote for him and his team whether he stood or not. On his third attempt, again according to Plutarch (*C. Gracch.* 12), 'he received the largest number of votes, but his colleagues made the *renuntiatio* and the declaration in an unfair and malicious manner'. Plutarch admits that this was disputed, and the story may be untrue. But, according to the theory suggested above, Gaius might actually have scored most votes, and still have been rejected by the presiding tribune because ten candidates beside him had secured the quota.

Two results of some historical interest follow if the above analysis is correct. Livius Drusus must have secured his election on the Gracchan 'ticket', for if he had got in as an outsider Gaius himself would not have secured his second tribunate. This accords with our authorities, who state that the senate approached Drusus when he was already tribune and persuaded him to undermine Gaius' position by outbidding him. Drusus will have been a parallel case to C. Fannius, who was elected consul with C. Gracchus' support, but later turned against him. In the second place it becomes easier to understand C. Gracchus' failure to secure a third election. Despite Livius Drusus' campaign, the superstitious fears about the foundation of Carthage, and the unpopularity of the bill *de sociis et nomine Latino*, it seems unlikely that Gaius' popularity could have fallen so low that he could not secure a place among the tribunes in a straight fight. But his group may well have not commanded enough support to prevent outsiders from scoring their quota.

Appian's account (*B.C.* I, 28) of Saturninus' second election is scarcely intelligible. He became a candidate for a second tribunate, we are told, having waited for Glaucia to be praetor and president of the tribunian elections. One can only assume that Appian has confused the fact that Glaucia was elected praetor in this year (as he certainly was), and that he was tribune in the same year (as he may have been). He then says that Nonius, a distinguished man, and an enemy of Glaucia and Saturninus, was elected tribune and that they, fearing he might take vengeance on them as tribune, set a mob on him as he was leaving the *comitia*, and when he took refuge in a shop, killed him. Next morning at dawn Glaucia and his friends elected Saturninus tribune before the people had assembled. Valerius Maximus (*ix*, vii, 3) gives a more credible story: 'populus enim A. Numium (*sic*) competitorem Saturnini, novem iam creatis tribunis unoque loco duobus candidatis restante, vi prius in aedes privatas compulit, extractum deinde interemit, ut caede integerrimi civis facultas adipiscendae potestatis taeterrimo civi daretur.'

Both versions fail to explain why Saturninus, who was undoubtedly very popular, had failed to secure his quota early in the count. Appian implies that the elections were over when Nonius was lynched, and that Saturninus only got in by being elected into the vacancy caused by Nonius' death. Valerius Maximus implies that nine tribunes had already got their quota, but that both Saturninus and Nonius had so far not reached it. It is surely more plausible that Saturninus and his nine supporters had already all got their quota, and perhaps well over it, that the nine had already been returned, but that Saturninus could not be officially returned until the voting was concluded, and no other candidate had scored the quota. Meantime, as the voting went on, Nonius, the outside candidate, was creeping up towards eighteen tribes. The

crowd, furious at seeing their favourite's election endangered, chased Nonius off the *campus* and finally lynched him when he refused to withdraw. It only remained for Glaucia to complete the voting next morning, and Saturninus was in.

It cannot be claimed that the above reconstruction is more than hypothetical, but it is, I would submit, in accord with the constitutional law and doctrine of the period, so far as they are known, gives a satisfactory explanation of a number of odd facts recorded in our sources, and makes more intelligible how and why the re-election of a tribune was possible but also so rare an event.

## (ii) DE LEGIBUS IUNIA ET ACILIA REPETUNDARUM

In the *Cambridge Ancient History* (IX, 52-4, 892-3) Last argued that the legislation of C. Gracchus on the composition of the juries in the *quaestio de rebus repetundis* fell into two phases: in 123 B.C. he promulgated a law which added 600 *equites* to the senate, so that the jurors, already defined as senators by the Lex Calpurnia, would be henceforth drawn from the enlarged Senate, but in 122 he, through his colleague Acilius, enacted a law which excluded senators from the juries and substituted *equites* for them. He based his arguments on three grounds. First, the Epitomator of Livy records in emphatic terms under 123 a bill to add 600 *equites* to the senate, and Plutarch speaks of some such measure. Secondly, the Gracchan law 'ne quis iudicio circumveniretur' made senators only liable to the charge of judicial corruption; Gracchus, it is argued, must have passed this law when he envisaged only senators as jurors, and have neglected to emend it when they were replaced by *equites*. Thirdly, Acilius and Rubrius were colleagues on the tribunician board of 122, and therefore the Lex Acilia, which he identified with the Gracchan Law and the law of the Naples bronze table, was passed in 122.

The third argument has been destroyed by Tibiletti, who has demonstrated that the wording of IGR, IV, 1028 does not prove that Acilius and Rubrius were colleagues (*Athenaeum*, 1953, 7 ff.). The second has been gravely shaken by N. J. Miners (*C.Q.* 1958, 241 ff.), who has pointed out that, on the only evidence which we possess (*Cic. pro Cluentio*, 143 ff.), the law 'ne quis iudicio circumveniretur' was directed against senators who conspired by making false accusations or giving false evidence to procure the condemnation of a Roman citizen on a capital charge, whereas Gracchus' complaint against senatorial jurors was not that they condemned the innocent, but that they acquitted the guilty. Miners' arguments could be developed further. A careful reading of the relevant passage of the *pro Cluentio* strongly suggests that the law 'ne quis iudicio circumveniretur' was not directed against jurors who received bribes (except in so far as they might be deemed to have conspired in the condemnation). Cicero brings in Drusus' law 'si quis ob rem iudicatam pecuniam cepisset' as an analogous case. He warns equestrian members of the jury that the extension of the



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# THE ECONOMIC HISTORY REVIEW

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## THE CLOTH INDUSTRY UNDER THE ROMAN EMPIRE

by A. H. M. JONES

WE possess lamentably little information about the weaving and clothing industry of the Roman empire. It is only in Egypt that we have any intimate knowledge of weavers, what kind of men they were and how they were organized. Here the information of the papyri,<sup>1</sup> scattered and scrappy though it is, extends from the annexation of the province in 30 B.C. to the Arab conquest in A.D. 641. For the rest of the empire we have to be content with casual literary allusions and a rather meagre crop of inscriptions.<sup>2</sup> For one moment the Edict on prices issued by Diocletian in 301<sup>3</sup> gives us a remarkably full and detailed schedule of the prices both of the raw materials, wool and linen yarn, and of a large range of garments, and also of the wages of weavers and other workers. The general scale of prices was arbitrary, but there is no reason to believe that the relation of one price to another was distorted. It may seem rash to attempt an analysis of the industry on this slender basis. Conditions in Egypt may have been different from those in the

<sup>1</sup> The following standard abbreviations are used for collections of papyri:

*BGU* = *Aegyptische Urkunden aus den staatlichen Museen zu Berlin: Griechische Urkunden*  
*Chr.* = *Grundzüge und Chrestomathie der Papyrskunde*  
*P. Cairo Masp.* = *Catalogue général des antiquités égyptiennes du Musée du Caire; papyrus grecs d'époque byzantine*  
*P. Grenf.* = *New classical fragments and other Greek and Latin papyri*  
*P. Lips.* = *Griechische Urkunden der Papyrussammlung zu Leipzig*  
*P. Lond.* = *Greek Papyri in the British Museum*  
*P. Mich.* = *Papyri in the University of Michigan Collection*  
*P. Michael.* = *Papyri Michaelidae*  
*P. Oxy.* = *The Oxyrhynchus Papyri*  
*P. Phil.* = *Papyrus de Philadelphie*  
*P. Ryl.* = *Catalogue of the Greek papyri in the John Rylands Library, Manchester*  
*PSI* = *Papiri greci e latini (Pubblicazioni della Società Italiana)*  
*P. Tebt.* = *The Tebtunis Papyri*  
*SB* = *Sammelbuch Griechischer Urkunden aus Aegypten*  
*SPP* = *Studien zur Palaeographie und Papyrskunde*

<sup>2</sup> The following standard abbreviations are used for collections of inscriptions:

*CIL* = *Corpus Inscriptionum Latinarum*  
*IG* = *Inscriptiones Graecae*  
*IGR* = *Inscriptiones Graecae ad res Romanas pertinentes*  
*ILA* = *Inscriptions Latines d'Afrique*  
*ILS* = *Inscriptiones Latinae Selectae*  
*MAMA* = *Monumenta Asiae Minoris Antiqua*  
*SEG* = *Supplementum Epigraphicum Graecum*

<sup>3</sup> The best text (with translation) of the Edict of Diocletian is in Tenney Frank, *An Economic Survey of Ancient Rome*, vol. V (Baltimore, 1940).

rest of the empire, and many changes may have taken place in six centuries. But the evidence on the whole suggests that the organization of the industry was basically similar throughout the empire and that it developed little if at all throughout its history. It is on these assumptions that I base my reconstruction.

*Lanificium* was one of the standard virtues of the Roman matron,<sup>1</sup> and Augustus, to set a good example, made his wife, daughter and grand-daughter occupy themselves in weaving wool, and even went so far as to wear their products himself.<sup>2</sup> But this attempt to revive the good old days was not successful, and Columella, writing under Nero, complains that in his time ladies would not be bothered with weaving and bought expensive clothes instead.<sup>3</sup> Some domestic production of clothes went on in rich households: the *columbarium* of the Statilii Tauri records four weavers among the slaves of their town house (as well as eight spinners, two dyers and four fullers),<sup>4</sup> and in the Digest there are references to slave *lanificae* on rural estates, who made clothes for the *familia rustica*.<sup>5</sup> But such work was on a small scale: Columella advises that the *vilica* should make the slave women work on rainy days, so as to produce clothes for the *actores* and superior slaves<sup>6</sup> – the clothing of the ordinary workers was evidently bought. Domestic weaving in upper class households continued into the sixth century. Pope Pelagius I (555–60) instructed one of his agents, in picking slaves from an estate part of which had been bequeathed to the church, to choose agricultural workers rather than domestic servants or men who could be useful in weaving ('viro qui forte gynaeceae utiles esse possunt').<sup>7</sup>

Such household weaving, however, can have been of little economic importance. How far the poor wove their own clothes we do not know, but the majority seem to have bought their garments. Village weavers are frequently mentioned in Egypt, and the Edict of Diocletian sets prices for a wide range of inferior garments 'for the use of common people and slaves'.<sup>8</sup> An anecdote recounted by Augustine (bishop of Hippo from 395 to 430) is revealing.<sup>9</sup> Florentius, a poor man of Hippo, lost his *casula*. He had no money to buy another, but having prayed to the Twenty Martyrs found a large fish, which he sold for 300 *folles*. This was not enough for a *casula*, which would have cost 1000, but he bought some wool, 'so that his wife might, as best she could, make up something for him to wear'. Even a poor man normally bought ready-made clothes.

Weaving was then in the main a professional occupation, and clothing an object of trade. How far was manufacture concentrated in certain districts or towns? The Edict of Diocletian suggests that, for certain classes of garment at any rate, it was. It fixes special prices, for instance, for woollen garments styled British, Gallic, African, Norican, Raetic, Dardanian, Achaean, Phrygian,

<sup>1</sup> *ILS* 8402, 8403, 8393, line 30.

<sup>2</sup> Suetonius, *Augustus*, 64, 73.

<sup>3</sup> Columella, *de Re Rustica*, XII, *praef.* 9–10.

<sup>4</sup> *CIL* VI. 6213–6640; in *SB* 7358 an Egyptian woman in the late third century indentures herself to perform for her creditor 'weaving at which she is skilled and domestic work' (ἀπερ ἐπίσταται γερδιακά τε ἔργα καὶ οἰκιακά).

<sup>5</sup> *Digest*, XXXIII. vii. 12 § 6, 16 § 2, L. xvi. 203.

<sup>6</sup> Columella, *de Re Rustica*, XII. iii. 6.

<sup>7</sup> Pelagius I, *frag.* P. Jaffé, *Regesta Pontificum Romanorum*<sup>2</sup>, I. 956 (656).

<sup>8</sup> *Ed. Diocl.* xxvi. 10, 31, 69, 75, 96, 117, 138, xxvii. 5, 26, xxviii. 4, 13, 34, 43, 53, 56, 63, εἰς χορῆσιν τῶν ἰδιωτῶν ἦτοι φαμιλιαρικῶν.

<sup>9</sup> Augustine, *de civitate Dei*, XXII. viii. 9. That a *casula* cost 1000 *folles* is inferred from the youths' taunt: 'quasi a martyribus quinquagenos folles unde vestimentum emeret petivisset'. If each of the Twenty Martyrs subscribed 50 *folles*, Florentius would have got 1000.



Pontic, Cappadocian, Arabian and Egyptian, and for others named after particular towns, those of the Nervii, Treviri, Ambiani and Bituriges in Gaul, Mutina and Canusium in Italy, Poetovio, Argos, Laodicea of Phrygia and Damascus.<sup>1</sup> Among linen garments it specifies those of Tarsus, Laodicea, Byblos, Scythopolis and Alexandria, and mattresses and pillows from Tralles, Antinoopolis, Damascus and Cyprus.<sup>2</sup> These are not mere trade names, for the Edict distinguishes a Modenese *chlamys* (χλαμὺς Μουτουνησία) from a Laodicene Modenese *chlamys* (χλαμὺς Λαδικηνή Μουτουνησία),<sup>3</sup> and a Nervian *birrus* (βίρρος Νερβικός) from a Laodicene *birrus* in imitation of a Nervian (βίρρος Λαδικηγὼς ἐν ὁμοιότητι Νερβικοῦ),<sup>4</sup> and Tarsian (Ταρσικά) from Tarsian Alexandrian linens (Ταρσικά Ἀλεξανδρινά),<sup>5</sup> and in the price lists of linen clothes distinguishes the better makes produced at named towns from those which are inferior but are made in more places.<sup>6</sup> Moreover some of the towns are otherwise known as important centres of the industry, Tarsus from Dio Chrysostom,<sup>7</sup> Scythopolis from the Theodosian Code,<sup>8</sup> and Alexandria from the Historia Augusta,<sup>9</sup> Canusium and Augusta Trevirorum from the Notitia Dignitatum.<sup>10</sup>

The makes of garments named after particular towns are highly priced and presumably of special excellence. This emerges most clearly from the lists of linen garments, which are very systematically arranged.<sup>11</sup> The towns are placed in order of merit: Scythopolis, Tarsus, Byblos, Laodicea, and Alexandria, and the products of each town are graded in three *formae*. Thus for instance tunics (στῆλαι) range from first grade Scythopolitan at 7000 denarii to third grade Alexandrian at 2000. Below these come military tunics at 1500, 1250 and 1000 and below these again tunics of rough linen for the use of common people and slaves at half these prices. Men's dalmatics similarly range from 10,000 denarii for Scythopolitan grade 1 to 2000 for Alexandrian grade 3. Below these come those 'which are inferior to the above mentioned grade 3 but are made in more places' at 2500, 2000 and 1500, and below these again those for commoners and slaves at 800, 600 and 500. Thus middle-grade garments of sound quality, such as were required for the army, were produced in many places, and cheap clothes for the poor presumably at even more. The great weaving centres produced in the main luxury garments, the best of which cost 20 times as much as those made for the poorest classes, and the cheapest of which were often dearer than the middle-grade garments suitable for the army.

The list of woollen garments is less full, less systematic and less well preserved, but there is a marked contrast between the high prices fixed for the products of certain towns and areas, and those of other areas. Thus a Nervian *birrus* cost probably over 10,000 denarii, a Laodicene imitation of a Nervian 10,000, a Norican 8,000, a British or Argolic 6,000, a Laodicene or Canusian 4,000, an

<sup>1</sup> *Ed. Diocl.* xix; cf. also xx. 3, 4, 13, xxii. 16-26.

<sup>2</sup> *Ed. Diocl.* xxvi, xxvii, xxviii.

<sup>3</sup> *Ed. Diocl.* xx. 3, 4.

<sup>4</sup> *Ed. Diocl.* xix, 26, 27.

<sup>5</sup> *Ed. Diocl.* xxvi, 13-27, 34-63 etc. That these were fabrics of Tarsian type made at Alexandria is shown by the frequent mention of Ταρσικάριοι in Egyptian papyri (see Preisigke, *Worterbuch*, s.v.).

<sup>6</sup> *Ed. Diocl.* xxvi. 65.

<sup>7</sup> Dio Chrys. *Or.* XXXIV. 21-3.

<sup>8</sup> *Cod. Theod.* X. xx. 8.

<sup>9</sup> *Scriptores Historiae Augustae, Saturninus*, 8.

<sup>10</sup> *Not. Dig. Occ.* xi. 52, 58.

<sup>11</sup> *Ed. Diocl.* xxvi, xxvii, xxviii.

Achaean or Phrygian 2,000 and an African only 1,500.<sup>1</sup> A Gallic *sagum* from Ambiani or Bituriges was priced at 8,000 denarii, an African at 500.<sup>2</sup>

The location of the great weaving towns seems to have mainly been determined by the proximity of raw material of high quality. Thus Canusium drew upon the fine wool of Apulia,<sup>3</sup> the *civitates Nerviorum* and *Ambianorum* on Atrebatia,<sup>4</sup> Laodicea on Phrygia.<sup>5</sup> Wool from such favoured districts is very highly priced in the Edict, Atrebatia at 200 denarii per lb., Tarentine (i.e. Apulian) at 175, Laodicene at 150 as against 'best middle wool' at 50 and 'other wool' at 25.<sup>6</sup> But such high-grade wools were no doubt also exported to more distant weaving centres: the very fact that they are priced in the Edict suggests that they commanded a wide market, and indeed at such high prices they would have repaid the heavy costs of transport. The rate fixed by Diocletian for camels, which carried 600 lb., was 8 denarii per mile, and for donkeys, which presumably carried half that load, 4 denarii;<sup>7</sup> a bale of wool priced at 150 denarii the pound could therefore be carried 100 miles for less than 1 per cent of its value. One quite high-grade wool, the Asturian (priced at 100 denarii per lb.), must have been exported, for no fine garments are known to have been produced in Spain.

Linen yarn is also steeply graded in price, the best at 1200, 960 and 840 denarii per lb., the middling at 720, 600 and 450, and rough yarn for the use of commoners and slaves at 250, 125 and 72.<sup>8</sup> Linen yarn is not distinguished by its place of origin, but Egypt is known from other sources to have produced good flax,<sup>9</sup> and this explains the prominence of Alexandria as a weaving town.

The famous weaving towns, then, which produced high class garments from high quality material catered only for the rich; their products, since they were highly priced rarities, no doubt travelled far and commanded a widely-spread market. Were there any towns or districts which specialized in medium priced or cheap clothes for middle classes or the poor? There is very little evidence on this point. We are told that when the noble senator Pinianus took up the ascetic life at Rome at the end of the fourth century, he bought some very cheap clothes, called 'self-coloured Antiochenes'.<sup>10</sup> This suggests that cheap garments were produced for the Roman market in Syria. African woollens, which were notably cheaper than most others, may also have supplied the populace of Rome. But this is a mere conjecture.

A few very large towns, which like Rome had no local weaving industry, may have provided a market for cheap clothes produced elsewhere, but in general it is clear that medium priced and cheap clothing was produced locally, and that the industry was very widely dispersed. For Egypt the evidence of the Diocletianic Edict is confirmed by the papyri, which record weavers in many small towns and villages. It is also confirmed by the system of compulsory purchase whereby the Roman army supplied its needs. We possess a receipt dated A.D. 128 for 19 tunics and 5 cloaks (the latter for the army of Judaea) delivered by

<sup>1</sup> *Ed. Diocl.* xix. 26-7, 32-42.

<sup>2</sup> *Ed. Diocl.* xix. 60-61; cf. also xix. 47-50 for *σινγγίλια*, and 53-6 for *fibulatoria*.

<sup>3</sup> Strabo, VI. iii. 6, 9; Pliny, *Hist. Nat.* VIII. 190; Columella, *de Re Rustica*, VII. ii. 2.

<sup>4</sup> Strabo, IV. iv. 3.

<sup>5</sup> Strabo, XII. viii. 16; Pliny, *Hist. Nat.* VIII. 190; Dio Chrys. XXXV. 130.

<sup>6</sup> *Ed. Diocl.* xxv. 1-9.

<sup>7</sup> *Ed. Diocl.* xvii. 4-5.

<sup>8</sup> *Ed. Diocl.* xxvi. 4-12.

<sup>9</sup> Pliny, *Hist. Nat.* XIX. 14.

<sup>10</sup> *Analecta Bollandiana*, VIII (1889), 26, XXII (1903), 13.

the wool weavers of the village of Socnupaei Nesos,<sup>1</sup> and an order dated A.D. 138 for payment in advance to the wool weavers of the village of Philadelphia for one chiton and four cloaks for the army of Cappadocia, and one blanket for the military hospital of Sebaste.<sup>2</sup> From the late third century we have an order for 100 tunics from the city of Oxyrhynchus,<sup>3</sup> and from A.D. 285 there is a receipt to a village for one tunic and one cloak,<sup>4</sup> and from A.D. 314 a payment to the village of Caranis for 24 tunics and 8 cloaks.<sup>5</sup> From 318 we possess a list allocating orders for tunics and cloaks between 17 villages of the Oxyrhynchite name.<sup>6</sup>

The army authorities would surely not have distributed their orders to hundreds of villages, an undertaking which involved a heavy burden of administrative and clerical work, if they could have placed them in a few large centres. It is even more significant that the Judaeian and even the Cappadocian commands placed orders in Egypt for woollen garments, which were not an Egyptian speciality. This implies that the weaving industry of Cappadocia and Judaea had little surplus capacity above local needs, and was incapable of supplying the relatively large forces stationed in these countries. The army supply authorities therefore had to distribute their orders over a wider field; Egypt with its large population and small garrison was a suitable area on which to draw.

During the fourth century the needs of the army were partly met by large state factories, *gynaecia* (for woollens) and *linyphia* (for linens), probably established by Diocletian. But the compulsory purchase or requisition of military garments also continued. This levy was apportioned on the same assessment as the levies of *annona*. A law of 377 fixes the number of *iuga* or *iuga et capita* on which a *vestis* was assessed in the dioceses of Thrace, Asiana, Pontica, Oriens and Egypt.<sup>7</sup> The levy must therefore have been evenly spread over the whole countryside of all provinces. The system again implies that the production of medium grade clothing was very evenly distributed throughout the empire.

In an industry of such a structure the normal unit must have been very small. The guild of woolweavers at Philadelphia, which received an army order in 138, complained next year that they could not execute it, as four of their twelve members had been sent to Alexandria.<sup>8</sup> At Euhemeria, a smaller village, the weavers' guild in Tiberius' reign comprised a president, secretary and at least five other members.<sup>9</sup> If there were twelve, or even only seven, woolweavers in a village, none of them can have had a large workshop. That similar conditions applied in ordinary towns, which were not large centres of manufacture, is implied by the existence in them also of guilds of wool and linen

<sup>1</sup> *P. Ryl.* 189.

<sup>2</sup> *BGU* 1564.

<sup>3</sup> *P. Oxy.* 1414.

<sup>4</sup> *P. Michael.* 21.

<sup>5</sup> *Journal of Roman Studies*, XXXVII (1947), 30-33. *BGU* 620 is another payment of about the same date. The price of a *στῆλζον* is the same (4000 dr.) and the total order comes to 11 talents (66,000 dr.).

<sup>6</sup> *P. Oxy.* 1448.

<sup>7</sup> *Cod. Theod.* VII. vi. 3.

<sup>8</sup> *BGU* 1572, *P. Phil.* 10.

<sup>9</sup> *P. Ryl.* 94.

weavers. The evidence, which outside Egypt comes from inscriptions, is scanty but indicates that the guild organization was everywhere normal.<sup>1</sup>

Some rural weavers were fairly substantial men. They were in principle immune from liturgies, but we hear none the less of one who was appointed elder of his village, and in the early second century the prefect of Egypt ruled that any who were worth more than one talent (1500 denarii) and owned private land should not be exempt.<sup>2</sup> But the fact that the government paid in advance for the garments which it ordered not only from the village of Philadelpia but also the city of Oxyrhynchus indicates that not only rural but urban weavers were as a rule men of very limited resources. A lease from Heracleopolis dated A.D. 246<sup>3</sup> is suggestive of the average size of an urban weaving establishment. A weaver leases two thirds of a house, with the provision that he may set up three looms, and one extra if he is weaving a garment for his own use. Such a man must have had a few assistants, members of his family, apprentices, hired workers or slaves.<sup>4</sup> Alfius Caecilianus, duumvir of the little African town of Aptungi in 303, was apparently a prosperous weaver of this type. On the day that the edict of persecution arrived, he deposed, 'I had gone to Zama to buy linen yarn with Saturninus', and later Ingentius 'came to me at my house; I was having dinner with my workmen'.<sup>5</sup> We do not know if his workmen (*operarii*) were slaves or free men.

Egyptian census returns show families in which both parents and children (of both sexes) are registered as wool or linen-weavers.<sup>6</sup> We have from Egypt about a dozen contracts of apprenticeship in the weaving trade,<sup>7</sup> and half a dozen contracts of service for one to five years.<sup>8</sup> Further evidence for free hired labour is provided by census returns of persons who describe themselves as 'wage earning weavers'<sup>9</sup> and by a petition dated A.D. 140 from a man who complains that he is poor and makes his living by wage labour in the wool-weaving trade.<sup>10</sup> Again in the late third century the linen-weavers of Oxyrhynchus asked the city council for a supplement to the treasury payment for 100 tunics 'because of the increased price of the materials and the increased wages of the workmen'.<sup>11</sup> That hired labour was commonly employed throughout the empire is suggested by the Edict of Diocletian, which fixes wage rates for *lanarii* and *linyphi*. The former are paid by the pound of wool at rates varying according to its quality, the latter by the day according to the quality of their product.<sup>12</sup> Slaves were also sometimes employed. Five of the children appren-

<sup>1</sup> *ILA* 396 (*lanarii* at Carthage), *SEG* VII. 827 (λίνοφιοι at Gerasa), *IGR* IV. 1226, 1252 (λίνοσυργοί and λαυράριοι at Thyateira), *IGR* III. 896 (λίνοσυργοί at Anazarbus), *IGR* IV. 1632 (ἐριουργοί at Philadelpia), 863 (ἀπλουργοί at Laodicea), *Révue Archéologique*, XXVIII (1874), 112 (λίνοσυργοί at Miletus), *SEG* IV. 541 (λεντιωφάνται at Ephesus), J. T. Wood, *Discoveries at Ephesus* (1857), p. 24 ((λαυράριοι at Ephesus), *Athenische Mittheilungen*, VIII (1883), 319 λίνοφιοι at Tralles).

<sup>2</sup> *P. Phil.* 1.

<sup>3</sup> *SPP* XX. 53.

<sup>4</sup> cf. *P. Oxy.* 1272 for a house at Oxyrhynchus inhabited by Heras son of Calathus, a weaver and his fellow workers (γεωδίου καὶ τῶν σὺν αὐτῷ ἐργαζομένων).

<sup>5</sup> Optatus, *de schismate Donatistarum*, App. II, *P. Fouad*, 37.

<sup>6</sup> *BGU* 148, 1069, *P. Lond.* II. 257.

<sup>7</sup> *P. Oxy.* 275, 322, 725, 1647, *P. Tebt.* 385, 442, *PSI* 241, 287, *SPP* XXII. 40, *P. Mich.* 170, 171, 172, 346, cf. 123 R. II. 34. (cf. *P. Ryl.* 654, ἔστιν γὰρ αὐτῷ (a linen weaver) σύνεργος ὁ Παῦλος οὗτος, μαθητῆς μὲν τυγχάνων, εἰς [ἄσκησι] ν δὲ τῆς τέχνης ἀφεικόμενος).

<sup>8</sup> *P. Tebt.* 384, *PSI* 902, *P. Grenf.* 59, *P. Mich.* 121 R. II. viii, 355, cf. 237. 7, 37.

<sup>9</sup> *BGU* 1069, *SB* 4299.

<sup>10</sup> *Chr.* I. 325.

<sup>11</sup> *P. Oxy.* 1414.

<sup>12</sup> *Ed. Diocl.* xxi.

ticed to weavers were slaves,<sup>1</sup> whom their owners presumably intended either to sell or to hire to a weaver,<sup>2</sup> or to set up in business as *institores*. A few of the weavers are freedmen,<sup>3</sup> who had no doubt started as *institores* or as hands of a working weaver.

On the organization of the industry in the large centres we have only two pieces of evidence. In an Alexandrian document dated 192 A.D. one Isidore is described as 'head of a factory' or a 'chief of workshops of linen weavers, having many persons working in the trade'.<sup>4</sup> He must have been a man of some substance, since he was nominated to the liturgic office of subprefect of the Delta ward of the city. Whether he was a factory owner in the modern sense, employing hired hands, or an entrepreneur who put out work to weavers, is not clear. But it is likely that his linen-weavers were free persons. Caracalla, in his edict expelling Egyptian immigrants from Alexandria, remarks that 'genuine Egyptians can easily be distinguished from the linen-weavers by their speech'.<sup>5</sup> From this it would appear that the bulk of the linen-weavers of Alexandria were free Egyptians, who but for special exemption might have been repatriated to their native villages: had they been slaves, the question could not have arisen.

At Tarsus in the early second century Dio Chrysostom<sup>6</sup> states that a large proportion of the population were linen-weavers. He represents them as poor but respectable men, who would enjoy the rights of citizenship if they could afford the registration fee of 500 drachmae. The weavers must therefore have been free men of modest means, not necessarily very poor, for 500 drachmae is a large sum, about two years pay for a legionary. This suggests an organization in small family workshops, with a few apprentices and labourers, slave or free, as in the villages and towns of Egypt. It is also possible that the Tarsian linen-weavers were free paid employees of factory owners.

Were there then no large factories manned by slaves? We know of none except the imperial *gynaecia* and *linyphia* founded by Diocletian. These were large establishments: Sozomen in the fifth century speaks of the government wool-weavers at Cyzicus as if, with the mint workers, they formed a substantial part of the population of the town, and Gregory of Nazianzus uses similar language of the state wool-weavers and armourers at Caesarea of Cappadocia.<sup>7</sup> The weavers were legally state slaves. Constantine after his victory over Licinius freed Christians who had been made slaves of the treasury and drafted into *gynaecia* and *linyphia*<sup>8</sup> and the laws speak of the establishments as *familiae*<sup>9</sup> and their occupants as *mancipia*,<sup>10</sup> and apply to them the rules of the *Senatusconsultum Claudianum*.<sup>11</sup> In fact the workers in the state factories became in the fourth and fifth centuries hereditary castes, enjoying *de facto* most of the rights of free persons, marrying, rearing families and holding property.<sup>12</sup> On

<sup>1</sup> SPP XXII. 40, P. Oxy. 1647, PSI 241, P. Mich. 346. I have detected six other slave weavers (BGU 617, P. Grenf. 59, P. Oxy. 262, P. Lips. 26, SPP XXII. 36, SB 8263).

<sup>2</sup> As in SPP XXII. 36 and P. Grenf. 59.

<sup>3</sup> I have detected only three, two in BGU 1564 and one in P. Oxy. 984.

<sup>4</sup> P. Oxy. 2340, 'Επίμαχος Γαίου υποστράτηγος Δέλτα γραμματός ανέδωκεν τὸν ἡμέτερον ἀνθ' αὐτοῦ ἐργαστηρίαν ὄντα λινοῦφων πολλοὺς ἐργαζομένους ἐν τῇ ἐργασίᾳ ἔχοντα.

<sup>5</sup> Chr. I. 22.

<sup>6</sup> Dio Chrys. Or. XXXIV. 21-3.

<sup>7</sup> Sozomen, Hist. Eccl. V. 15, Greg. Naz. In laudem Basilii, 57.

<sup>8</sup> Eusebius, Vita Constantini, II. 34.

<sup>9</sup> Cod. Theod. X. xx. 7.

<sup>10</sup> tit. cit. 2, 9.

<sup>11</sup> tit. cit. 3.

<sup>12</sup> tit. cit. 3, 16.

how their work was organized we have only one piece of evidence. Sozomen speaks of the *gynaeciarii* and *monetarii* of Cyzicus as 'a large population divided into two groups, who by the order of earlier emperors lived with their wives and families at Cyzicus, each year rendering to the treasury a stated stint of military tunics and of freshly minted coins respectively'. Analogy with the *fabricenses* and *barbaricarii*, the state armourers, suggests that the government provided them with rations<sup>1</sup> and with raw materials,<sup>2</sup> and insisted that each worker produced a fixed stint of finished articles<sup>3</sup> (in the armament factories a monthly quota of so many helmets per worker was laid down).

The processes prior to weaving seem to have been entirely unorganized. No one calls himself a carder or spinner on his tombstone, or registers himself as such in the census, and no guilds of carders or spinners are known. There are two apparent exceptions to this rule, the *lanarii carminatores* of Brixellum and the *lanarii pectinarii* of Brixia, who describe themselves as *sodales*.<sup>4</sup> But I suspect that these did not card raw wool, but teased woven fabrics. It must be presumed that the spinning was mainly done, as today in the Nearer East, by women in their spare time, who either used the flax grown on the family farm and the wool from the family flock, or, if townspeople, bought raw wool or flax. We know of one sixth century Egyptian linen-weaver who leased an *arura* of land to grow his flax.<sup>5</sup>

In the linen trade we hear of intermediaries between the spinners and the weavers, the linen yarn merchants (*λινέμποροι*): that they sold yarn and not cloth appears clearly from a papyrus from Oxyrhynchus, which is unfortunately very fragmentary.<sup>6</sup> The city council is debating the execution of a government order for 100 tunics. In the first fragment the president says that 'they (probably the *λινέμποροι*) have made the excuse that those who undertook this work and their wives are unable to spin the linen yarn; for there are few villages in your nome which have this product'. In the next bit he states that they (certainly the *λινέμποροι*) say 'that linen yarn stands at 49 denarii, and only 11 denarii have been paid them by [the fiscus]'. The council protests 'The linen yarn merchants must be content with 19 denarii besides the sum paid by the fiscus.' The debate then goes to the weavers. It would appear that the linen yarn merchants had been furnished with money from the Imperial treasury to buy yarn from the spinners, but complained that it was not nearly enough (this was a period of rapid inflation), and proposed to charge the weavers a higher sum; the latter in fact later claim a higher price for the tunics, and as one of their excuses urge the higher price of their raw material.

The finishing processes of fulling and dyeing were performed by workers who were quite distinct from one another and from the weavers. *Fullones* (*γναφεῖς*) and *coloratores* (*βαφεῖς*) formed separate trades, and were grouped in their own guilds.<sup>7</sup> Fullers not only finished newly woven garments but cleaned

<sup>1</sup> Just. Nov. lxxxv. 3.

<sup>2</sup> Cod. Theod. X. xxii. 2.

<sup>3</sup> tit. cit. 1.

<sup>4</sup> ILS 7290, 7290a, cf. 7556b and c for a *pectinator* and a *pectinarius* from Ateste.

<sup>5</sup> P. Cairo Masp. 67116.

<sup>6</sup> P. Oxy. 1414. A guild of *λινέμποροι* is also known at Corycus in Cilicia (MAMA III. 770).

<sup>7</sup> Fullers: ILS 3127 (Spoletium), 6368 (Pompeii), 7248 (Falerio), 5594 (Mediolanum Aulercorum), 3362 (Mactar), CIL VIII. 12575 (Carthage), ILS 22 (Gigthis), IG XII. ii. 271 (Mitylene), Athenische Mitteilungen, VII (1882), 252 (Cyzicus), IGR iv. 863 (Laodicea), 643 = 1696 (Acmonia), Journal of Hellenic Studies, XI (1890), 236 (Cilician city), Chr. I. 251 (Tebtunis). Dyers: IGR IV. 816, 822 (Hierapolis), 1213, 1239, 1242, 1250, 1265 (Thyateira), III, 360 (Sagalassus), Bulletin de correspondance hellénique, X (1886), 519 (Tralles), Chr. I. 251 (Tebtunis).

soiled ones. Dyers similarly not only dyed cloth straight from the loom, but gave a fresh lease of life to old clothes: this is clear from the Edict of Diocletian which fixes two scales of prices for the *colorator* according to whether the garment is *rudis* (*de tela*) or *ab usu*.<sup>1</sup> For fullers the Edict fixes only the prices for treating new clothes, carefully listing 26 types of garment.<sup>2</sup> It would appear that the customer normally bought his clothes straight from the loom, and had them fulled himself. The Roman army certainly, as we have seen, bought clothes direct from the weavers. If the clothes passed through the hands of a merchant, he may have got them fulled and dyed before retailing them.

What little we know of the silk industry is derived from a few laws of the later Empire, some scattered items in the Edict of Diocletian, and Procopius' story of how Justinian established an imperial monopoly of the business. Owing to the fact that the raw material was very expensive and obtainable from one source only, the government, the structure of the industry was peculiar. From the late fourth century at any rate only the *comes commerciorum* or his subordinate *commercarii* were allowed to buy raw silk from the barbarians. A law of Justinian orders the *commercarii* to buy silk at 15 solidi per lb. and sell it at the same rate to the *metaxarii*.<sup>3</sup> The object of this monopoly was then not to make a profit, but to keep the price down by preventing competitive bidding between the merchants.

Procopius' description of the industry is not very clear. It was, he says, localized at Berytus and Tyre, where the merchants (ἐμποροί) and supervisors (ἐπιδημιουργοί) and craftsmen (τεχνῖται) lived: the last were humble manual workers who, when the imperial monopoly was established, either starved or migrated to Persia, whereas the merchants were men of substance and managed to weather the storm.<sup>4</sup> Procopius also speaks of merchants of silk garments at Constantinople and in other towns of the empire, who seem to be different from the merchants of Tyre and Berytus. On the other hand they are said to have raised their prices because they had to pay more to the Persians (for raw silk),<sup>5</sup> which would imply that they handled the whole business from the purchase of the raw material to the sale of the finished product. A law of Justinian couples the *metaxarii* or raw silk merchants with the *argentarii* (silver-smiths and bankers) of Constantinople as wealthy people, by implication resident in the capital, who are in the habit of buying court sinecures for themselves and their sons.<sup>6</sup>

It would look as if some *metaxarii* not only bought raw silk but manufactured silk garments, organizing the work through 'superintendents', and sold them in the capital and other big towns: these normally resided where they sold their goods. Others may have sold the garments they produced to merchants – this would apply especially to the export trade to the west and to the distributive trade to minor cities of the empire. Others again may have sold the raw silk to 'superintendents', who may have been entrepreneurs, who organized the dyeing, spinning and weaving of the fabrics and sold them to merchants. These two last categories of *meta arii* would naturally have resided in Phoenicia.

The workers in the silk industry were evidently from Procopius' description of them free persons. Whether they worked in factories or whether the work

<sup>1</sup> *Ed. Diocl.* vii. 54–63: the first word should be restored [color]atori from the Greek *χορορ[άτ]* *ορ[άτ]*.

<sup>2</sup> *Ed. Diocl.* xxii.

<sup>3</sup> *Cod. Just.* IV. xl. 2, *Just. Nov. App.* 5.

<sup>4</sup> Procopius, *Anecdota*, XXV. 14–15, 25.

<sup>5</sup> *op. cit.* XXV. 16, 24.

<sup>6</sup> *Cod. Just.* VIII. xiii. 27.

was jobbed out to them in their homes does not appear. The Edict of Diocletian gives time or piece rates for the various processes. The cocoons were apparently first dyed, if a coloured fabric was to be produced, for the Edict quotes different rates for reeling ordinary silk and dyed silk.<sup>1</sup> It also gives rates for spinning purple silk into pure or mixed silk thread.<sup>2</sup> These rates are by the ounce. Lastly the Edict gives daily rates for *sericarii* producing pure or mixed silk fabrics.<sup>3</sup>

It is possible that the production of very superior woollens, especially those dyed purple, was organized on similar lines to the silk industry. The Edict of Diocletian cites wage rates for spinners of first grade purple wool for smooth finished fabrics (πεξῆ), and for weavers of these and of *Mutinensia* and others, in the same sections as those for silk spinners and weavers.<sup>4</sup>

Finally a word may be said of the distribution of finished garments. In the smaller towns and villages the customer no doubt normally bought locally produced clothes direct from the weaver. In the larger towns, especially those which depended on imports, there were clothing dealers (*vestiarii*): they are frequently recorded at Rome, and occasionally elsewhere, and seem to have been humble folk, mostly freedmen.<sup>5</sup> We also hear of *negotiatores* or *mercatores*, who seem to have been importers of higher class garments from the larger centres of production. They often were natives of the producing areas, like Q. Calusius Severinus, a *civis Gallus* who was a *negotians vestiarius* at Pola, or M. Cluvius Tertullus, a *negotiator sagarius* at Milan who came from Apulia, or another Milanese *negotiator sagarius* who was by origin a *civis Mediomatricus*.<sup>6</sup> In the sixth century similarly we find George of Antioch, a silk merchant (*holoseri-coprata*) at Ravenna, and in the early seventh Peter of Alexandria, a linen merchant (*negotias linatarius*) at Panormus in Sicily.<sup>7</sup>

There were also itinerant merchants, who went from town to town with their bale of clothes, often making a regular annual round. Early in the fifth century Synesius of Cyrene speaks of one such, an Athenian, who was evidently a familiar figure; hearing that he has arrived he asks his brother, who is down at the port, Ptolemais, to buy three Attic cloaks from him on his behalf and to do so promptly before the best items in his stock have been sold.<sup>8</sup> The greater merchants also employed *circitores*, agents who went round selling their wares.<sup>9</sup> We know something of one of them, Jacob the Jew, whom a wealthy Constantinopolitan clothing merchant employed as his salaried agent in the early seventh century. He put him on board a ship bound for Carthage with a consignment of clothes, instructing him to sell them in Africa and Gaul. Jacob, as the story shows, hawked his goods around to individual customers in each port of call.<sup>10</sup>

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<sup>1</sup> *Ed. Diocl.* xxiii, 2, τοῖς τὸ σηρικὸν λύουσιν; xxiv. 13, μεταξάβλάττην ἦτοι ἐν χρώμασιν ἀγένητον λύουσιν.

<sup>2</sup> *ibid.* xxiv. 14-5, πορφύραν εἰς ὀλοσηρικὸν (συψηρικὸν) νήθουσιν.

<sup>3</sup> *ibid.* xx. 9-11, σειρικαρίῳ ἐργαζομένῳ ἰς σουψειρικὸν (ὀλοσειρικὸν ἄσημον, ὀλοσειρικὸν σκουλητῶτον). The context shows that weavers are in question.

<sup>4</sup> *ibid.* xxiv. 16, πορφύραν εἰς πεξῆ πρωτεῖαν νήθουσιν, XX. 12, 13, γερδία τρεφομένην εἰμακτίου πεξοῦ τῶν εἰς παρὰδδου. ἐν ἱματίοις Μουτουνησίους ἢ τοῖς λυιτοῖς τρεφομένη.

<sup>5</sup> *ILS* 7568-75 (Rome), 6668 (Bononia), 6688 (Aquileia), *P. Oxy.* 2230 (Oxyrhynchus), *Forschungen in Ephesos*, III, no. 63 (Ephesus).

<sup>6</sup> *ILS* 7576, 7578, 7579.

<sup>7</sup> J. O. Tjäder, *Die nichtliterarischen lateinischen Papyri Italiens*, no. 4-5, B. V. 13, VI. 14; *ILS* 7564.

<sup>8</sup> Synesius, *Ep.* 52.

<sup>9</sup> *Digest*, XIV. iii. 5 § 4, 'sed etiam eos institores dicendos placuit quibus vestiarii vel lintearii dant vestem circumferendam et distrahendam: quos volgo circitores appellamus.'

<sup>10</sup> *Doctrina Iacobi nuper baptizati*, *Abh. Ges. Gött. Phil. Hist. Kl.* NF XII. 3 (1910), p. 90.



(ii) DE LEGIBUS IUNIA ET ACILIA REPETUNDARUM

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crowd, furious at seeing their favourite's election endangered, chased Nonius off the *campus* and finally lynched him when he refused to withdraw. It only remained for Glaucia to complete the voting next morning, and Saturninus was in.

It cannot be claimed that the above reconstruction is more than hypothetical, but it is, I would submit, in accord with the constitutional law and doctrine of the period, so far as they are known, gives a satisfactory explanation of a number of odd facts recorded in our sources, and makes more intelligible how and why the re-election of a tribune was possible but also so rare an event.

## (ii) DE LEGIBUS IUNIA ET ACILIA REPETUNDARUM

In the *Cambridge Ancient History* (IX, 52-4, 892-3) Last argued that the legislation of C. Gracchus on the composition of the juries in the *quaestio de rebus repetundis* fell into two phases: in 123 B.C. he promulgated a law which added 600 *equites* to the senate, so that the jurors, already defined as senators by the Lex Calpurnia, would be henceforth drawn from the enlarged Senate, but in 122 he, through his colleague Acilius, enacted a law which excluded senators from the juries and substituted *equites* for them. He based his arguments on three grounds. First, the Epitomator of Livy records in emphatic terms under 123 a bill to add 600 *equites* to the senate, and Plutarch speaks of some such measure. Secondly, the Gracchan law 'ne quis iudicio circumveniretur' made senators only liable to the charge of judicial corruption; Gracchus, it is argued, must have passed this law when he envisaged only senators as jurors, and have neglected to amend it when they were replaced by *equites*. Thirdly, Acilius and Rubrius were colleagues on the tribunician board of 122, and therefore the Lex Acilia, which he identified with the Gracchan Law and the law of the Naples bronze table, was passed in 122.

The third argument has been destroyed by Tibiletti, who has demonstrated that the wording of IGR, IV, 1028 does not prove that Acilius and Rubrius were colleagues (*Athenaeum*, 1953, 7 ff.). The second has been gravely shaken by N. J. Miners (*C.Q.* 1958, 241 ff.), who has pointed out that, on the only evidence which we possess (*Cic. pro Cluentio*, 143 ff.), the law 'ne quis iudicio circumveniretur' was directed against senators who conspired by making false accusations or giving false evidence to procure the condemnation of a Roman citizen on a capital charge, whereas Gracchus' complaint against senatorial jurors was not that they condemned the innocent, but that they acquitted the guilty. Miners' arguments could be developed further. A careful reading of the relevant passage of the *pro Cluentio* strongly suggests that the law 'ne quis iudicio circumveniretur' was not directed against jurors who received bribes (except in so far as they might be deemed to have conspired in the condemnation). Cicero brings in Drusus' law 'si quis ob rem iudicatam pecuniam cepisset' as an analogous case. He warns equestrian members of the jury that the extension of the

law 'ne quis iudicio circumveniretur' to non-senators is the thin end of the wedge, with the final objective 'ut de eis qui rem iudicarint *huiusmodi* iudicia fieri possint' (*pro Cluentio*, 152: the italics are mine). He then tells the story of the valiant resistance of the equestrian order to Drusus' law against judicial bribery, and ends up: 'illi non hoc recusabant, ea ne lege accusarentur qua nunc *Habitus* accusatur, quae tunc erat *Sempronia*, nunc est *Cornelia*; intelligebant enim ea lege equestrem ordinem non teneri; sed ne nova lege alligarentur laborabant' (154). This surely proves that judicial bribery was a separate issue, covered by a different law, from conspiracy to secure a false condemnation. Rather similarly in the *pro Rabirio Postumo*, 16, Cicero drags in the equestrian resistance to Drusus' law as an analogy to the point at issue in Rabirius' case, how far non-senators were liable as accessories in charges *de rebus repetundis*. The provisions 'ne quis iudicio circumveniretur', which in Cicero's days were part of the Sullan law of murder (the *Lex Cornelia de veneficiis*) and had been (part of) a *Lex Sempronia*, may have belonged to the law elsewhere alluded to in Cicero (*pro Rabirio perduellionis reo*, 12, in *Cat.* IV, 10) protecting Roman citizens from execution by magistrates without the consent of the people.

Though two of Last's arguments have been removed, I would still maintain that his principal contention is correct, that there were two stages in Gracchus' legislation, though I would differ from him as to the character of the first stage; and I would support my argument by a fresh piece of evidence hitherto neglected. The law of Naples bronze table (Bruns, *Fontes*<sup>1</sup>, 10) is generally admitted to be the Gracchan law which substituted equestrian for senatorial jurors, and is very probably Cicero's *Lex Acilia* (see Badian, *A. J. Phil.* 1954, 374). This law directs the *praetor peregrinus* or the praetor in charge of the court to select each year a panel of 450 jurors, among whom 100 were to be selected by the plaintiff in each case, from whom again the defendant chose the actual jury of 50. Why 450? Assuming that so large a number was required, which seems doubtful, why not 500? I can see no explanation for this curious figure, unless it was taken over mechanically from a previous law or draft law. It cannot have been taken over from the *Lex Calpurnia*, in which no number would have been mentioned, and, since the senate comprised only about 300 members, if any number was stated it cannot have been 450. On the other hand the evidence of the Epitomator of Livy and Plutarch suggests a possible explanation.

Their evidence is conflicting on two points. The Epitomator (Book LX) states that in his first tribunate Gracchus passed a bill 'ut sexcenti ex equite in curiam sublegerentur, et quia illis temporibus trecenti tantum senatores erant, sexcenti equites trecentis senatoribus admiscerentur, id est ut equester ordo bis tantum virium in senatu haberet'. He says nothing about the juries here or elsewhere. Plutarch (*C. Gracch.* 5) describes a judicial law (δικαστικός νόμος), whereby Gracchus τριακοσίους τῶν ἱππέων προσκατέλεξεν αὐτοῖς, οὔσι τριακοσίοις, καὶ τὰς κρίσεις κοινὰς τῶν ἑξακοσίων ἐποίησε. The Epitomator thus speaks of 600 *equites*, and says that they became senators. Plutarch speaks of 300 *equites*, and clearly means that these 300 *equites* were added to the 300 senators to form the panel of jurors. This interpretation of his words is confirmed by the opening sentence of the next chapter, that the people, having passed the law, κακείνῳ τοὺς κρινούντας ἐκ τῶν ἱππέων ἔδωκε καταλέγειν, and by his allusion to the

same law in the *Comparatio* (2), μῖξαι τὰ δικαστήρια, προσεμβάλοντι τῶν ἵππικῶν τριακοσίου. One of the two has misread his sources, and I would put greater faith in Plutarch, who was an intelligent man, than in the Epitomator.

In view of the figure 450, I would suggest that both are slightly wrong. Plutarch is right in saying that a panel of 300 equestrian jurors was established, and the courts were manned by a mixed body of *equites* and senators, but wrong in saying that the panel of jurors numbered 600. The Epitomator is right in saying that the equestrian order had twice as much power as the senate, but wrong in saying that 600 *equites* were added to the senate of 300, a statement which may be a mistaken inference from or misinterpretation of the first. In fact I would suggest that the law enacted that the panel of jurors should consist of 300 *equites* and 150 senators. Apart from the political motive of giving the *equites* a dominating position, the second provision could be justified on practical grounds. Several provisions of the Lex Acilia show that it was intended that members of the panel should be available for service throughout the year. Many senators would in any given year not be available for jury service because they were holding magistracies or were abroad (some also would be excluded by the age limits), and it would have been reasonable to draw up a select list of those who could be called upon to serve.

The habit of Roman legislators to incorporate clauses of earlier laws *totidem verbis* is well attested by Cicero, and there would be nothing surprising in the Lex Acilia's reproducing the provisions of a previous law or draft. There are furthermore a number of anomalies in the Lex Acilia, some substantial, some formal, which strongly suggests that it did so.

(a) It is enacted (line 23) that in selecting the 100 jurors the plaintiff shall exclude a man '[quod cum eo lege Calpu]rnia aut lege Iunia sacramento actum siet, aut quod h. l. nomen [delatum sie]t'. The only persons who could be accused under the Lex Calpurnia or the Lex Acilia were senators, and by the Lex Acilia the 450 could not be senators. The clause is, therefore, to say the least, totally otiose in the Lex Acilia.

(b) This clause does not occur in the chapters 'de CDL vireis legundis', where it would be appropriate, but only in the chapter 'de nomine deferundo iudicibusque legundeis'.

(c) The clauses excluding magistrates and senators and their relatives occur not only in the chapters 'de CDL vireis legundis' where they are appropriate, but also in the chapter 'de nomine deferundo iudicibusque legundeis', although, as there were no magistrates or senators among the 450, it would be impossible for the plaintiff to choose them among the 100 jurors whom he nominated.

The following reconstruction would account for these anomalies. In the Lex Calpurnia there would have been no chapter corresponding to 'de CDL vireis legundis', since the senate was the body from which jurors were to be drawn. Any exclusions would, therefore, have been made at the stage 'de nomine deferundo iudicibusque legundeis'. Those excluded would have been relatives and friends of the accused and the plaintiff, more than one from any family, those away from Rome or overseas, and any person accused under the law.

In the first Gracchan law a new chapter 'de CDL vireis legundis' must have been

drafted. It must have directed the praetor to choose (i) 150 senators, (ii) 300 persons who were not senators or relatives of senators, and no doubt excluded from the second group *infames* and those who had no domicile in or near Rome. It also doubtless fixed age limits for both groups and excluded from both those beyond the seas. The chapter 'de nomine deferundo et iudicibus legundeis' must have been remodelled. In order to secure a jury composed of one-third senators and two-thirds *equites*, it must have directed the plaintiff to select from the 450 (i) 50 senators, and (ii) 100 who were not. It would also have stated the various exclusions (of relatives of either party, etc.) set forth in the corresponding clause of the Lex Calpurnia. At this stage the clause 'quod cum eo lege Calpurnia...' was by inertia retained in this chapter, though it should logically have been transferred to the chapter 'de CDL vireis legundis'. The clause 'qui trans mare erit' was more logically retained in this chapter as well as the other; for a man enrolled in the 450 in January might have gone overseas in the spring.

In the Lex Acilia provisions (i) in both chapters were struck out. The result was that the clauses 'quei tr. pl. q. III vir capitalis...' were left standing in both chapters, though now otiose in the second. Furthermore, the clause 'quod cum eo lege Calpurnia...', though now otiose, was allowed to remain in its place, and was mechanically brought up to date by the addition 'quod h. l. nomen delatum siet'.

If the above argument is sound, a bill in the sense of the statements of the Epitomator and Plutarch must have been at least promulgated, if not actually passed. Both these authorities say that it was passed, and there seems no reason to doubt them on this point. If so the law of 123 must be the mysterious Lex Iunia, mentioned in lines 23 and 74 as being later than the Lex Calpurnia and prior to the Lex Acilia. M. Junius D. f. tribune of the plebs must have been another of Gracchus' colleagues, who like Acilius and Rubrius legislated on his behalf. It is some slight evidence in favour of this hypothesis that in line 74 the possibility is envisaged of a man being tried and acquitted or condemned *in the future* under the Lex Calpurnia (and Lex Iunia): ['quibusquom ioud]icium fuit *fuertive* ex lege quam L. Calpurnius L. f. tr. pl. rogavit exve lege quam M. Iunius D. f. tr. pl. rogavit, qui eorum eo [ioudicio...apsolutus vel condem]natus est *eritve*, quo magis de ea re eius nomen hae lege deferatur', etc. According to line 75 actions could be brought under the Lex Acilia only for offences committed after the passage of the bill, and, therefore, there might well be offences committed in the recent past which still would have to be tried by the Lex Iunia; but unless the Lex Iunia was very recent, it would seem unlikely that there would still be outstanding changes under the Lex Calpurnia which preceded it. The argument is not, however, very strong, as the draftsman may have included the Lex Calpurnia, though long superseded, from legal caution, or merely by mechanical repetition from the corresponding clause of the Lex Iunia.



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CHURCH FINANCE IN THE FIFTH AND SIXTH CENTURIES

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son modèle. Il n'y a aucune raison, en effet, de voir dans les changements introduits par Léon un souci de précision théologique. Nous ne savons pas si Gaudence qui a commenté Jo. xii. 28,<sup>1</sup> avait commenté également le *Maintenant mon âme est troublée* (Jo. xii. 27) qui tint tant de place dans la controverse arienne. Léon de son côté ne semble pas plus s'être arrêté à ce texte, lui qui un peu plus loin<sup>2</sup> fera l'exégèse d'un autre texte scripturaire épineux lui aussi dans les controverses christologiques: *Père, si c'est possible, que ce calice s'éloigne de moi* . . . (Mt. xxvi. 39). Le seul passage qui soit utilisé par les deux prédicateurs, Jo xii. 32, *Lorsque j'aurai été exalté, j'attirerai tout à moi*, n'est pas interprété de la même façon.<sup>3</sup>

Le rapprochement des noms de Gaudence et de Léon n'est pas nouveau. Norcock, ici même,<sup>4</sup> a établi un certain nombre de relations entre le *Tome à Flavien* et le *tractatus* XIX de Gaudence. En réalité la question est plus complexe qu'on ne l'a supposé après lui et parfois indépendamment de lui. Nous espérons y revenir un jour prochain.<sup>5</sup>

Y-M. DUVAL

#### CHURCH FINANCE IN THE FIFTH AND SIXTH CENTURIES

I do not propose in this paper to discuss the sources of ecclesiastical revenues. It will suffice to say that, apart from a government grant, instituted by Constantine and, after its abolition by Julian, renewed by later emperors on a much more modest scale—one-third of the original amount<sup>6</sup>—the churches derived their income from two main sources:

<sup>1</sup> Voir en effet xii. 1 (p. 109, l. 6—6. 928 A) où Gaudence parle de ce verset dont il a traité naguère: *quod proxime disseruimus*. Glück renvoie au *tr.* viii. 26 (p. 67, l. 208—c. 893 A) où le prédicateur rappelle de la même façon un de ses sermons que nous ne connaissons pas. Peut-être s'agit-il d'un même et unique sermon puisque mention est faite ici encore de Jo. xii. 28 s. (loc. cit., p. 67, l. 211 s.).

<sup>2</sup> *S.* 56, ch. 2 (c. 327 B).

<sup>3</sup> Gaudence: xii. 11 (p. 113, l. 98 s.—c. 931 B)—Léon: *S.* 57 (suite immédiate du précédent), ch. 4 (c. 330 C).

<sup>4</sup> C. R. Norcock, 'St. Gaudentius of Brescia and the Tome of St. Leo', in *J.T.S.* xv (1913-14), pp. 593-6.

<sup>5</sup> Quoique d'un intérêt très secondaire, signalons que le *S.* 2 'attribué' à saint Léon (*P.L.* 54, cc. 487-8) et que Dekkers (*Clavis*, n. 1658—cp. G. Morin, *Misc. Agost.* i, p. 742) dit de *posterioris aetatis*, après un premier emprunt à saint Léon (*S.* 21, ch. 1) présente quelques points communs avec l'œuvre de Gaudence également: ch. 2 fin (c. 487 C) et Gaudence ix. 12 (p. 78, l. 95 s.); ch. 4 début et le *tr.* XIX étudié par Norcock. Mais là encore il y aurait beaucoup à nuancer.

<sup>6</sup> Theodoret, *H.E.* i. 11, iv. 4, *Soz. H.E.* v. 5, *Cod. Just.* i. ii. 12 (451), cp. *Ath. Apol. c. Ar.* 18, *Act. Conc. Oec.* ii. i. 213, Gregory I, *Reg.* x. 8.

the offerings of the faithful, and the rents of lands and house property given or bequeathed by benefactors or more rarely purchased.<sup>1</sup> The offerings are sometimes spoken of as first-fruits,<sup>2</sup> perhaps only figuratively, and were in principle voluntary, though in the late fifth or early sixth century the eastern government had to forbid the clergy to use ecclesiastical sanctions to enforce their payment.<sup>3</sup> Tithe seems to have been unknown save as a purely voluntary offering made by exceptionally pious Christians for the relief of the poor.<sup>4</sup> The greater churches seem to have derived the bulk of their revenue from endowments: John Chrysostom laments in one of his sermons that now that the church of Antioch possessed a large income derived from its own property, the laity no longer felt any obligation to make their offerings.<sup>5</sup> On the other hand, small and ill-endowed churches might depend largely on the offerings of the faithful: the second council of Bracara had even to legislate against founders who built chapels as a commercial speculation, sharing the offerings with the clergy fifty-fifty.<sup>6</sup>

<sup>1</sup> Thiel, *Ep. Rom. Pont.*, Simplicius, *ep.* 1, 'de ređitibus ecclesiae vel oblatione fidelium', Gelasius, *ep.* 14, § 27, 'tam de ređitu quam de oblatione fidelium', 15, 'de ređitu vero ecclesiae vel oblatione fidelium', 16, 'ređitus et oblationes fidelium', cp. *Conc. Aurel.* i, *can.* 14, 15, cited p. 90 n. 1, p. 92 n. 5. In Greek *oblationes* are called *καρποφορίαι*, e.g. *Conc. Gangr. can.* 7, 8, *Act. Conc. Oec.* II. i. 384, *Cod. Just.* I. iii. 38 (see n. 3 below).

<sup>2</sup> *Can. Apost.* 4, *Cod. Just.* I. iii. 38, *Canons of St. Athanasius*, 3, 63, 82 (ed. W. Riedel and W. E. Crum). Cp. also John Cassian and the Apostolic Constitutions, cited in note 4 below.

<sup>3</sup> *Cod. Just.* I. iii. 38, *πρὸς τὴν τῶν καρποφοριῶν τῶν ἐν τοῖς τόποις καλουμένων ἀπαρχῶν ἥτοι προσφορῶν ἐκτίσιν ὥσπερ τι τέλος μεθοδεύοντας*.

<sup>4</sup> In *Const. Apost.* vii. 29, viii. 30, both first-fruits and tithe appear to be spoken of as a reality, but in ii. 25-26 (cp. 34-35) they are clearly referred to as part of the Old Testament dispensation, a standard from which the modern Christian ought not to fall short. John Cassian (*Coll.* xiv. vii. 1-3, xxi. i-viii) reports Egyptian peasants actually offering *primitiae* and *decimae*, not, however, to their bishop or parish priest, but to the *diaconia* of a monastery. The Canons of St. Athanasius (82-83) also speak of tithe being offered by both laity and clergy for the benefit of the poor. That tithe was not in fact paid as a normal due is proved by Joh. Chrys. *Hom. in Eph.* iv (*P.G.* lxii. 36), Jerome, *Comm. in Mal.* iii (*P.L.* xxv. 1571), Augustine, *Enarr. in Psal.* cxlvi. 17, *Serm.* ix, lxxxv. The second council of Tours in 567 ordained a general offering of a tithe as a special measure of penitence (*MGH, Leg. Sect.* III. i. 136-8). The second council of Matisco in 585 made the first attempt to enforce (by excommunication) the regular payment of tithe (*can.* 6, op. cit., pp. 166-7): the claim was made on scriptural precedent, a *mos antiquus* which had admittedly fallen into complete desuetude.

<sup>5</sup> Joh. Chrys. *Hom. in Matth.* lxxxv (lxxxvi). 3 (*P.G.* lxxviii. 761-3).

<sup>6</sup> *Conc. Bracar.* ii, *can.* 6 (C. W. Barlow, *Martini Bracarensis opera omnia*, p. 120), 'placuit ut si quis basilicam non pro devotione fidei sed pro quaestu cupiditatis aedificat, ut quidquid ibidem oblatione populi colligitur medium cum clericis dividat, eo quod basilicam in terra sua ipse condiderit . . .'



What I wish to investigate is the distribution of ecclesiastical revenues, and for this purpose it is necessary to say something of the organization of the churches. In every city there was a principal church, presided over by the bishop; in addition there were others, what may be called parochial churches, both in the town and in the villages and estates of the city territory. There were also memorial chapels of martyrs, and charitable institutions—hospitals, orphanages, almshouses for the poor and the aged, hospices for travellers and pilgrims. There were, furthermore, monasteries, but with these I shall not be concerned, as they were always financially autonomous, being supported either by the offerings of the faithful or by the labour of their inmates, or, to an increasing degree as time went on, by their own endowments.

The churches, chapels, and charitable institutions fall into two main classes. Some were annexed to the bishop's church, served by his own clergy and financed from his central fund. Others had their own separate endowments, from which their clergy were paid. This distinction is clearly made by Justinian in Novel vi,<sup>1</sup> where he speaks on the one hand of churches whose founders had endowed them with sufficient funds for the maintenance of their staff of clergy, and on the other of cases where 'the church of the city itself provides salaries for itself and the other churches'. In Novel cxx<sup>2</sup> he makes a similar distinction between 'the churches and other sacred institutions of which the local bishop conducts the administration in his own person or through his clergy', and 'the almshouses, hospices, hospitals and other sacred institutions' (this term, as appears later, includes 'houses of prayer' or what we should call parochial churches) 'which have their own administration'.

The same distinction existed in the West. In a letter to John, bishop of Nola, Pope Pelagius I<sup>3</sup> (555–61) refused him permission to sell the church plate of Suessula 'quae Nolanae ecclesiae esse videtur parochia'. His proper course is to make Suessula a 'titulus Nolanae ecclesiae', to be served 'per deputatos cardinales ecclesiae presbyteros'. The situation was evidently that the endowments of Suessula had become inadequate to pay the clergy. The remedy was to amalgamate it with the episcopal

<sup>1</sup> § 8: αὐτὴ δὲ ἡ τῆς πόλεως ἐκκλησία χορηγοῖ τὰς σιτήσεις αὐτῇ τε καὶ ταῖς ἄλλαις ἐκκλησίαις.

<sup>2</sup> § 6: εἰ μὲν ἀγιώταται ὦσιν ἐκκλησίαι ἢ ἕτεροι εὐαγεῖς οἰκοὶ ὧν τὴν διοίκησιν ὁ κατὰ τόπον δοσιώτατος ἐπίσκοπος ἢ δι' αὐτοῦ ἢ διὰ τοῦ εὐαγοῦς αὐτοῦ κλήρου ποιεῖται . . . εἰ δὲ πτωχεῖα ἢ ξενῶνες ἢ νοσοκομεῖα ἢ ἕτεροι εὐαγεῖς οἰκοὶ ὦσιν ἰδίαν διοίκησιν ἔχοντες. Cp. also p. 87, n. 6.

<sup>3</sup> S. Loewenfeld, *Ep. Pont. Rom. Ined.* 24, 'sed si tanta est ecclesie Sessulane penuria ut parochia esse non possit, eam potius titulum Nolane ecclesie constitue, ut tali depositione habita nec de sacris quicquam ministeriis detrahatur et competentia ibidem divini cultus per deputatos cardinales ecclesie presbyteros ministeria celebrentur'.

church, some of whose clergy—the *cardinales* or, as they are sometimes called, *canonici*—would be seconded to serve it. Such an amalgamated church was called a *titulus*, an independent church a *parochia* or sometimes a *diocesis*.

Independent churches were, it would seem, far more numerous than *tituli*. Most founders of churches were private benefactors, and most of them endowed the churches which they built. As time went on bishops came to realize that a new church was a doubtful blessing unless it was furnished with sufficient rents to pay for its repair and maintenance, including the lights and the salaries of the clergy. By the end of the fifth century, as we see from a letter of Pope Gelasius (492–6), the Roman see had established a rule that no bishop was to consecrate a church or chapel without verifying that it was properly endowed.<sup>1</sup> Justinian laid down the same rule for the East in Novel lxvii (538), and in Gaul the fourth council of Orleans<sup>2</sup> in 541 enacted that ‘if any one has or asks to have a *diocesis* on his estate he must first allot to it sufficient lands and clergy to perform their offices there’. The second council of Bracara<sup>3</sup> laid down the same rule for Spain in 571.

Most charitable institutions seem also to have been autonomous, having been endowed by their founders. The laws restraining alienation of church property regularly mention, besides the bishops with their *οἰκονόμοι*, the administrators of hospitals and similar institutions as the persons responsible.<sup>4</sup>

The dependent churches appear to have varied somewhat in status. Some were mere annexes of the cathedral. Thus the Great Church at Constantinople, as we learn from Justinian’s third Novel,<sup>5</sup> comprised four buildings, Hagia Sophia itself, the Church of the Virgin built by the empress Verina (457–79) in its near neighbourhood, that of St. Theodore, built by Sporacius (consul in 452), and the old church of St. Helena. These four churches were administered as a unit, being served in rotation by one body of clergy. But in the same novel<sup>6</sup> Justinian speaks of two other classes of churches in Constantinople, those ‘whose maintenance the Great Church undertakes’, and those ‘which do not have their supply and maintenance from the Great Church’.

<sup>1</sup> Thiel, *Ep. Rom. Pont.*, Gelasius, *ep.* 34, fr. 22; cp. Pelagius I (*P.L.* lxi. 414–15), and Gregory I, *Reg.* ii. 9, 15, ix. 58, 71, 180.

<sup>2</sup> *Conc. Aurel.* iv, *can.* 33 (*MGH, Leg. sect.* III. i, p. 94).

<sup>3</sup> *Conc. Bracar.* ii, *can.* 5 (Barlow, *op. cit.*, p. 120).

<sup>4</sup> *Cod. Just.* i. ii. 17, §. 2, *Just. Nov.* vii, §. 1, cxx, §§. 1, 5, 6, 7.

<sup>5</sup> § 1.

<sup>6</sup> § 2: ἐν δὲ ταῖς ἄλλαις ἀπάσαις ἐκκλησίαις ὧν τὴν χορηγίαν ἡ ἀγιωτάτη μεγάλη ἐκκλησία ποιεῖται . . . ἀλλ’ οὐδὲ ἐν ταῖς ἄλλαις ὅσαι μὴ τὴν τροφήν καὶ χορηγίαν ἔχουσιν ἐκ τῆς ἀγιωτάτης μεγάλης ἐκκλησίας.

The former of these categories, he states, had been built by private founders who had laid down an establishment of clergy for them, and, he strongly implies, endowed them with revenues calculated to support this establishment. Their clergy were not enrolled on the establishment of the Great Church, and it may be that they retained some measure of control over their revenues. In Novel cxx,<sup>1</sup> in which Justinian regulated the grant of perpetual emphyteutic leases by churches outside Constantinople, he lays down that in the case of 'churches and other religious institutions whose administration is undertaken by the local bishop either in person or through his own clergy', the leases are to be granted on the authority and with the consent of the bishop, but that the *oeconomi*, administrators, and chartularies of the institution are to swear in his presence that no loss will be incurred by the institution through the lease. Here then we have religious institutions which are managed by the bishop, but nevertheless have their own financial officers and apparently separate endowments.

Western analogies may help to explain this anomalous state of affairs. A bishop may have converted a *parochia* which could not pay its way into a *titulus*, as John of Nola was ordered to do, but earmarked what endowments there were for use of the church; Suessula had some lands, which John was urged to exploit for what they were worth, so as to cover the taxes due upon them.<sup>2</sup> Alternatively a bishop sometimes took over *parochiae* which were over-endowed and used their surplus revenue for his own church or churches;<sup>3</sup> in such a case too the revenue left to the subordinate church may have been derived from certain estates which were left under the management of its own clergy.

From this evidence it would appear that *tituli* were of diverse origins. Some were no doubt built as chapels of ease of the cathedral and never had any separate endowment or clergy. Others were *parochiae* which had been absorbed but which might still retain some control over their original endowments or that portion of them which was earmarked for their use. The *tituli* of Rome mostly fell under the second category. Constantine and other founders richly endowed the churches which they built at Rome, as the records in the Liber Pontificalis show. But the popes preferred to centralize their finances, and converted them into *tituli*, thus concentrating in their own hands their vast endowments.

<sup>1</sup> § 6: κατὰ τὴν γνώμην αὐτοῦ (sc. τοῦ ἐπισκόπου) καὶ συναίνεσιν γίνεσθαι τὸ τοιοῦτο συνάλλαγμα, ὁμνούντων παρόντος αὐτοῦ τῶν οἰκονόμων καὶ διοικητῶν καὶ χαρτουλαρίων τοῦ αὐτοῦ εὐαγοῦς οἴκου.

<sup>2</sup> See above, p. 86, n. 3. The passage cited continues: 'et quid est in cespite, per ecclesie Nolane homines, ut diligentius saltem fiscum solvere valeat, excolatur'.

<sup>3</sup> See below, p. 90, nn. 2, 3.

The priests of the several *tituli*, however, retained the management of some at any rate of their estates. This appears from the rules laid down by Pope Symmachus<sup>1</sup> in 502 against the alienation of the property of the Roman see. This prohibition applies not only to the pope himself; 'ecclesiarum per omnes Romanae civitatis titulos qui sunt presbyteri vel quicumque fuerint' were likewise forbidden to alienate 'quicquam de iure titulorum vel ecclesiae superius praefatae'.

The precise legal position of the bishop in regard to the property of the independent churches and institutions is not, and probably was not at the time, very clearly defined. In the East, in the sixth century at any rate, he had little control over them. Under a constitution of Anastasius<sup>2</sup> churches were permitted to alienate lands under certain conditions, and the authorities which could do so are said to be either the bishop with his *oeconomus* and clergy, or the administrators of almshouses, hospices, orphanages, &c., with their staff (and in the case of almshouses their inmates): in the latter case the bishop's consent was required only if it was the local custom. Justinian's Novel cxx<sup>3</sup> gave authority to grant perpetual leases to the majority of the clergy and the *oeconomus* in independent 'houses of prayer', and to the presidents of charitable institutions: in the latter case the financial administrator of the institution had to take an oath in the presence of the bishop that the lease would not cause it loss. Individual churches were regarded as legal personalities, capable of receiving bequests. A curious law of Justinian<sup>4</sup> directs how to interpret the intention of a testator who leaves a bequest to our Lord Jesus Christ or to an archangel or martyr. In the first case the church of his city or village or estate takes the bequest, in the second any church of that dedication in the city or territory, or, if there is none, in the metropolis. If there are several churches of the same dedication in the city, that which the testator most frequented, or failing that the poorest, is to benefit.

In the West it was apparently held that the bishop had overriding control over all ecclesiastical property in his territory, and was in some

<sup>1</sup> *MGH, Auct. Ant.* xii, p. 450. Cp. *Cod. Can. Eccl. Afr.* 33 (early fifth century): 'item placuit ut presbyteri non vendant rem ecclesiae ubi sunt constituti . . . nec episcopo liceat matricis ecclesiae rem (nec presbytero rem) tituli sui usurpare.'

<sup>2</sup> *Cod. Just.* I. ii. 17: ἐπὶ δὲ τῶν πτωχείων, τοῦ διοικητοῦ καὶ τῶν ὑπουργούντων καὶ τῶν πτωχῶν, ἐπὶ δὲ τῶν ξενόνων, τοῦ διοικητοῦ καὶ τῶν εὐρισκομένων πάντων ὑπουργῶν τῆς διοικήσεως, καὶ ὁμοίως ἐπὶ τῶν ὀρφανοτροφείων, ὥστε κρατεῖν τὸ τοῖς πλείοσιν ἀρέσκον, συναινούντος καὶ τοῦ ἐπισκόπου τῶν τόπων ἐν οἷς τοῦτο ἀννηθές ἐστι γίνεσθαι.

<sup>3</sup> § 6.

<sup>4</sup> *Cod. Just.* I. ii. 26.

sense its owner. The first council of Orleans<sup>1</sup> in 511 declared 'de his quae parochiis in terris vineis mancipiis atque peculiis quicumque fideles obtulerint . . . ut omnia in episcopi potestate consistant'. In 527 the council of Carpentras,<sup>2</sup> in response to a complaint that bishops usurped 'quae a quibuscumque fidelibus parochiis conferuntur', ruled that if the church of the city was rich, what was bequeathed to *parochiae* should be spent on the clergy who served them and on the repair of their churches, but if the city church was poor, the bishop might take for it the surplus, leaving enough for the parochial clergy and repairs. The third council of Orleans<sup>3</sup> in 538 ruled that donations to a basilica in the city should be at the disposal of the bishop, and that it should be for him to decide what should be allocated to the repair of the basilica and the maintenance of its staff; on the other hand local custom was to be followed with regard to the property of rural churches. Gallic bishops seem to have made somewhat arbitrary use of their rights: when in 541 King Childibert founded a great hospital at Lyons, the bishop had to give an undertaking that he would not transfer its endowments to his own church.<sup>4</sup>

The Spanish church held a similar view of the law. The third council of Toledo in 589 remarked with disapproval 'multi contra canonum constituta sic ecclesias quas aedificaverint postulant consecrari ut dotem quam eidem ecclesiae contulerint censeant ad episcopi ordinationem non pertinere'.<sup>5</sup> The fourth council of Toledo (633), while condemning the practice of some bishops, who converted to their own use endowments given to newly established *parochiae*, nevertheless upheld the rule that the *dos* of a *parochia* was subject to the bishop's control.<sup>6</sup>

The above rules and customs applied to the capital endowments of *parochiae*. In some areas the bishops also claimed one-third of their offerings. This rule is laid down in Gaul by the council of Orleans<sup>7</sup> in 511, and is stated to be the ancient custom in Spain by the council of Tarraco<sup>8</sup> in 516: it is implied that the bishop had a countervailing obligation to repair the church. The second council of Bracara<sup>9</sup> in 572

<sup>1</sup> *Conc. Aurel.* i, *can.* 15 (*MGH, Leg. sect.* III. i, p. 6), 'de his quae parochiis in terris vineis mancipiis atque peculiis quicumque fideles obtulerint, antiquorum canonum statuta servantur ut omnia in episcopi potestate consistent. De his tamen quae in altario accesserint, tertia fideliter episcopis deferatur.'

<sup>2</sup> *Conc. Carp.* (ib., p. 41).

<sup>3</sup> *Conc. Aurel.* iii, *can.* 5 (ib., pp. 74-75).

<sup>4</sup> *Conc. Aurel.* v, *can.* 15 (ib., p. 105).

<sup>5</sup> *Conc. Tol.* iii, *can.* 19.

<sup>6</sup> *Conc. Tol.* iv, *can.* 33.

<sup>7</sup> *Conc. Aurel.* i, *can.* 15 (see n. 1 above).

<sup>8</sup> *Conc. Tarrac.* *can.* 8.

<sup>9</sup> *Conc. Bracar.* ii, *can.* 2 (see p. 91, n. 5).

strongly insisted that the bishop should use his third of the offerings only for the repair and maintenance of the church. The fourth council of Toledo<sup>1</sup> in 634, however, confirmed the bishop's claim to his third without qualification. In other parts of the empire the custom is not known, and no doubt varied. According to Theodore Lector<sup>2</sup> until the time of the patriarch Gennadius (458–71) the whole of the offerings of the churches of Constantinople were annexed to the Great Church, but his *oeconomus*, Marcian, ruled that the clergy of the several churches should keep them.

In the West, at any rate, the bishop on his annual visitation of his parishes exacted from each a fee, called the *cathedraticum*. Pope Gelasius<sup>3</sup> (492–6) alludes to it as customary, and Pope Pelagius I<sup>4</sup> (555–61) declares that it should not exceed 2 solidi per annum. The second council of Bracara<sup>5</sup> (572) and the seventh council of Toledo<sup>6</sup> (646) also limit the *cathedraticum* to 2 solidi.

It remains to consider the distribution of ecclesiastical revenues between the various branches of expenditure. Here we have very little information save on the episcopal churches. The rule of the Roman see, which it imposed on the churches of Italy, is first mentioned in a letter of Pope Simplicius<sup>7</sup> dated 475. By it all the revenue, both rents and offerings, was divided into four equal parts, of which one went to the bishop, one to the clergy (of the episcopal church or churches, the *cardinales* or *canonici*), one to the maintenance of the buildings, and one to charity. Some refinements of this rule are recorded. Pope Felix IV (526–30) in his judgement on the division of the revenues of the church of Ravenna<sup>8</sup> ruled that while the regular rents (normally paid in gold) should be divided, the *excepta praediorum sive accessiones*

<sup>1</sup> *Conc. Tol.* iv, *can.* 33, 'episcopus ita dioeceses suas regere ut nihil ex earum iure praesumant auferre sed iuxta priorum auctoritatem conciliorum tam de oblationibus quam de tributis ac frugibus tertiam consequantur'.

<sup>2</sup> Theodore Lector, Book i. 13 (*P.G.* lxxxvi. 172 c).

<sup>3</sup> Fr. 20 (ed. Thiel): 'cathedraticum etiam non amplius quam vetusti moris esse constiterit ab eius loci presbytero noveris exigendum.'

<sup>4</sup> Loewenfeld, *op. cit.* 26, 'faciemus ut non amplius de parochiis suis quam binos solidos annuos sub qualibet occasione praesumat accipere.'

<sup>5</sup> *Con. Bracar.* ii, *can.* 2 (Barlow, *op. cit.*, p. 119), 'placuit ut nullus episcoporum cum per suas dioeceses ambulant praeter honorem cathedrae suae, id est duos solidos, aliquid aliud per ecclesias tollat, neque tertiam partem ex quacumque oblatione populi in ecclesiis parochialibus requirat sed illa tertia pars pro luminariis vel recuperatione servetur.'

<sup>6</sup> *Conc. Tol.* vii, *can.* 4.

<sup>7</sup> Thiel, *op. cit.*, Simplicius, *ep.* 1: the rule is reiterated by Gelasius, *epp.* 14 § 27, 15, 16, *cp. frag.* 23, 24, and Gregory I, *Reg.* xi. 56, *cp.* iv. 11, v. 12, 27, 49, viii. 7, xiii. 46.

<sup>8</sup> Agnellus, *Lib. Pont. Eccl. Rav.* 60.

should all go to the bishop in consideration of his heavy burden of hospitality. These *excepta* or *accessiones* were additional payments in kind made by the tenants: at Ravenna according to a contemporary document they included 888 hens, 266 chickens, 8,880 eggs, 3,760 pounds of pork and 3,450 pounds of honey, besides geese and milk.<sup>1</sup> Gregory the Great ruled that money and foodstuffs offered by the faithful should be divided, but that other chattels should go to the bishop.<sup>2</sup>

It appears from another of Gregory's letters that, according to the local custom of Catana, two-thirds of the clergy's quarter share went to the priests and deacons, and one-third to the lower grades.<sup>3</sup> It may be suspected that some such rule lies behind the curious anomaly that in some Italian churches deacons received higher salaries than priests, and accordingly refused to be ordained to the priesthood. This would have happened if, say, one-third was allotted to the priests and one-third to the deacons, and the priests went up in numbers, whereas the deacons were restricted to the canonical seven. Gelasius, writing to a bishop named Victor, recommends that in future the priests should be better paid than the deacons, so that the latter 'convinced by this argument at least, may try to seek both the honour which they had avoided, and profit'.<sup>4</sup>

The Roman rule was not observed in Gaul, where the first council of Orleans<sup>5</sup> (511) declared that the bishop and the clergy should share the offerings half and half, but that all the estates should be at the bishop's disposal. Nor did it prevail in Spain, where the first council of Bracara<sup>6</sup> (561) ruled that the ecclesiastical revenues should be divided into three equal parts, one for the bishop, one for the clergy, and one for the upkeep and lighting of the churches.

In the East the principle of the dividend does not seem to have applied to the revenue from endowments. Severus, patriarch of Antioch (513-18), complains in two of his letters<sup>7</sup> that his church was utterly impoverished, and indeed deeply in debt, owing to the large number of clergy

<sup>1</sup> J. O. Tjäder, *Die nichtliterarischen lateinischen papyri Italiens*, no. 3 (pp. 186-8).

<sup>2</sup> Gregory I, *Reg.* xiii. 46.

<sup>3</sup> *Ibid.* viii. 7.

<sup>4</sup> Gelasius, fr. 10 (ed. Thiel).

<sup>5</sup> *Conc. Aurel.* i, can. 14 (*MGH, Leg. sect.* III. i, p. 6), 'antiquos canones religentes priora statuta credimus renovanda, ut de his quae altario oblatione fidei deferuntur medietatem sibi episcopus vindicat et medietatem dispensandam sibi secundum gradus clerus accipiat; praediis de omni commoditate in episcoporum potestate durantibus.'

<sup>6</sup> *Conc. Bracar.* i, can. 7 (Barlow, *op. cit.*, p. 112).

<sup>7</sup> E. W. Brooks, *Select Letters of Severus of Antioch*, i. 8 and 17.

whom he was forced to ordain under pressure from powerful patrons. Justinian<sup>1</sup> draws an even more lurid picture of the financial straits to which the Great Church of Constantinople had been reduced for the same reason, and ordered that no further ordinations be made until the number of the clergy had sunk to the proper establishment. Under the dividend system this could not have happened—more clergy would have meant less for each and not run the church into debt. Evidently churches paid fixed salaries to their clergy according to their grades, and had fixed establishments commensurate with their revenue. Bishops were also probably paid fixed salaries; the bishop of Anastasiapolis got 365 solidi a year,<sup>2</sup> which is obviously a solidus a day, and not a proportion of the total income of the church.

On the other hand, in another letter Severus of Antioch reproves the injustice of depriving aged priests, who could no longer perform their duties, of their customary share in the distribution of gifts.<sup>3</sup> This presumably refers to the offerings, which would have been shared out at intervals between the officiating clergy: the claims of aged absentees might thus well be neglected. Justinian in his third Novel<sup>4</sup> speaks of the clergy in the independent churches of Constantinople as 'sharing out the income which comes in from the pious', by which he probably means the offerings of the faithful. In the Canons of the Apostles, also, which reflect eastern practice, it is enacted that the first-fruits should be delivered to the bishops and priests, who will share them out with the deacons and lesser clergy.<sup>5</sup>

It would seem, then, that the dividend principle was universally applied to the offerings of the faithful, both in the East and in the West. In the West the dividend can be traced back to the middle of the third century. Cyprian granted to certain confessors the honours and privileges of priests, 'ut et sportulis iisdem cum presbyteris honorentur et divisiones mensurnas aequatis quantitatibus partiantur',<sup>6</sup> and appears to use the same term 'quantitas' of his own episcopal income.<sup>7</sup> It is a plausible conjecture that the system was general in the primitive churches, which depended entirely on the offerings of the faithful: it

<sup>1</sup> Just. Nov. iii, proem and § 1.

<sup>2</sup> Vita S. Theodori Syceonitae, 78.

<sup>3</sup> Brooks, op. cit. i. 57.

<sup>4</sup> Just. Nov. iii, § 2: τοὺς προσιόντας αὐτοῖς παρὰ τῶν εὐσεβῶν πόρους μεριζόμενοι.

<sup>5</sup> Can. Apost. 4: ἡ ἄλλη πᾶσα δὴ πῶρα εἰς οἶκον ἀποστελλέσθω ἀπαρχὴ τῷ ἐπισκόπῳ καὶ τοῖς πρεσβυτέροις . . . ὁ ἐπίσκοπος καὶ οἱ πρεσβύτεροι ἐπιμερίζουσι τοῖς διακόνους καὶ τοῖς λοιποῖς κληρικοῖς.

<sup>6</sup> Ep. 39.

<sup>7</sup> Ep. 7: 'sumptus suggeratis ex quantitate mea propria quam apud Rogatianum compresbyterum nostrum dimisi.'



would have been a natural and equitable system to apply to a variable and rather precarious revenue. When the churches began to acquire a more stable income from endowments, they adopted different policies. In Italy and Spain the dividend system was extended to all forms of revenues. In Gaul the bishop obtained sole control of the income from endowments and allocated it at his pleasure. In the East fixed basic stipends (supplemented by a share in the offerings) were allocated to the bishops and the various grades of clergy out of the assured income provided by rents.

A. H. M. JONES

#### AN ENGLISH VERSION OF PARTS OF BUCER'S REPLY TO THE COLOGNE *ANTIDIDAGMA* OF 1544

In an article '*Capitulum Coloniense: an Episode in the Reformation*'<sup>1</sup> the anonymous writer stated in 1891: 'It is well known that Herman's *Deliberatio*, or 'Consultation', was the source from which much of our English services were derived.' The article then attempts to answer the question why in spite of this fact so little use of the Cologne Book was made by the compilers of the English Prayer Book in drafting the Anglican Rite of Holy Communion. Attention is drawn to the fact that the *Antididagma* (the reply by the Roman Catholic Chapter of Cologne to the Cologne Book *Deliberatio*) was not only known to Cranmer, but was also studied and approved by him. Reference is then made to the fate of the Cologne Book, with its complete failure on the Continent and the abdication of the Archbishop of Cologne, Hermann von Wied. In view of this immediate failure of the Reform work and of Cranmer's interest in, and approval of, the *Antididagma*, the independence of the English Rite from that of Cologne seems to have been assumed. Cranmer claimed to have come down on the side of the *Antididagma*, in preference to the *Deliberatio*.<sup>2</sup>

Hitherto, however, research has not probed deeper into this part of the history for the simple reason that the further work, Martin Bucer's reply to the *Antididagma*, the *Constans Defensio* (or, in its original German version, the *Beständige Verantwortung*), was never considered as having any possible bearing on that episode.<sup>3</sup> The article referred to

<sup>1</sup> *Church Quarterly Review*, xxxi (1891), pp. 419 ff.

<sup>2</sup> The *Antididagma* is judged by Brightman in his *The English Rite* (London, 1915), i, pp. cx ff., by Darwell Stone in his *History of the Doctrine of the Eucharist* (London, 1909), ii, pp. 83-85, and by other liturgical scholars, as being more favoured by Cranmer than the *Deliberatio* (or *Consultation*).

<sup>3</sup> M. R. James, the author of the *Catalogue of Manuscripts of Corpus Christi College, Cambridge*, with reference to the Cambridge manuscript of the *Constans Defensio*, states: 'I do not find that this reply was ever printed' (i, p. 296), though it is the verbatim text of the printed 1613 edition.



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## THE CONSTITUTIONAL POSITION OF ODOACER AND THEODERIC

By A. H. M. JONES

Mommsen in his *Ostgotische Studien* (*Ges. Schr.* vi, 362 ff.) enunciated the theory that Odoacer and Theoderic were kings of their German followers, but ruled their Roman subjects as commissaries of the emperors, holding the office of *magister militum* with certain precisely defined additional powers. Stein (*Bas-Empire* II, 116 ff.) and Ensslin (*Theoderich der Grosse*) have considerably modified this theory, admitting that Theoderic acted as king of all his subjects. They nevertheless still maintain that he was at the same time *magister militum*, and that his powers were limited in certain respects by a formal concordat with the emperor. In my opinion Odoacer and Theoderic were kings pure and simple, in the same position as the other barbarian kings.

The received view is largely based on the fact that the consuls nominated by Odoacer and Theoderic were acknowledged in the East. It is argued that Zeno and Anastasius must have formally invested Odoacer and Theoderic with the power of nominating consuls, and thus have given them some explicit constitutional position. It is clear that Theoderic bestowed the consulship (Cass., *Var.* vi, 1, 'formula consulatus,' cf. II, 2-3; IX, 22-3, for actual appointments) and it is indubitable that the Western consuls were generally acknowledged by the emperors. But Procopius makes the Goths claim that they 'allowed the Romans each year to obtain the rank of consuls from the Emperor of the East' (*BG* II, vi, 20: προσθείη δ' ἂν τις ὥς καὶ τὸ τῶν ὑπάτων ἀξίωμα Γότθοι ξυνεχώρουν Ῥωμαίοις πρὸς τοῦ τῶν ἐφ' ὧν βασιλέως ἐξ ἑκάστον ἔτος κομίζεσθαι). This can only mean that the men nominated by Theoderic as consuls were not *ipso facto* acknowledged as such by the emperors, but had to obtain *codicilli* from them, if they were to be recognized in the East. Some agreement must have been reached that the emperor would leave one of the consulships open and give favourable consideration to persons nominated at Rome, but the Emperor clearly did not give Theoderic formal authority to appoint one consul; on the contrary he appointed both. Eutharic's consulship in 519 was therefore not exceptional. His son in writing to Justinian naturally stressed the fact that the Emperor had bestowed the consulship upon him (Cass., *Var.* viii, 1) but this was merely in order to emphasize the friendly relations which had prevailed between the Ostrogothic royal family and the emperors.

It would not seem that the acknowledgment of their consuls in the East can have been a matter of great moment to Odoacer or Theoderic. The men they appointed would naturally be recognized in their own kingdoms, and were in fact generally accepted in the other barbarian kingdom of the West. The question was important to the Roman nobility, who wished to figure in the Fasti as legitimate consuls, and it was no doubt the senators sent as envoys by the kings to Constantinople who pressed the matter and negotiated the working arrangement whereby they received a second codicil from the emperor which made them real consuls.

We know from Malchus that Odoacer proposed to Zeno that the latter should appoint him patrician (by which word is certainly meant the office held by Aëtius, Ricimer, etc.) and entrust him with the government of Italy (Malchus 10: καὶ δεῖσθαι τοῦ Ζήνωνος πατρικίου τε αὐτῷ ἀποστεῖλαι ἀξίαν καὶ τὴν τῶν Ἱταλῶν τοῦτ' ἐφεῖναι διοίκησιν). But from the same passage we know that Zeno rejected the proposition; he may have given Odoacer the rank of patrician without the office of *magister militum* (as Stein interprets Malchus' words, καὶ βασιλείον γράμμα περὶ ὧν ἡβούλετο πέμπων τῷ Ὀδοάχῳ πατρικίον ἐν τούτῳ τῷ γράμματι ἐπωνόμασε, in *Bas-Empire* II, 46-7), but this of course gave Odoacer no powers. There is in fact no evidence that Zeno ever gave any kind of official recognition to Odoacer, except that Odoacer's consuls were acknowledged from 480 onwards, and this, I have argued, means nothing. Odoacer is always spoken of as king in the literary sources, and is officially so styled in the two surviving documents of his reign, both of which concern his Roman subjects. In his edict on papal elections the praetorian prefect Basilius is stated to be 'agens etiam vices praecellentissimi regis Odoacris' (*MG (AA)* XII, 445), and in his grant of lands to Pierius Odoacer styles himself 'Odoacer rex' (*FIR* III<sup>2</sup>, 99, 1, 10). In this document Odoacer behaves exactly

like an emperor, giving orders to 'Andromachum v. i. et magnificum magistrum officiorum, consiliario nostro' and 'Marciano v.c. notario nostro' (ib. II, 4). These officers are alluded to elsewhere in the document as 'v.c. adque magnificus magister officiorum et consiliarius d.n.' (I, 4) and 'v.c. notarium regni eius' or 'regiae sedis' or 'v.c. notarius d.n. praecellentissimi regis Odoacris' (I, 5; II, 7, 11).

The evidence about Odoacer is scanty, but for what it is worth it indicates that he was simply a barbarian king, who like the other barbarian kings assumed imperial powers and took over imperial institutions. There is much more evidence about Theoderic and one might reasonably expect to find some explicit allusion in it to the constitutional position which he is alleged to have held. According to the prevailing theory Athalaric ought not merely to have announced his accession to Justinian and asked for a continuance of the friendly relations hitherto prevailing between his grandfather and the Emperor, as he does in Cass., *Var.* VIII, 1. He surely ought to have requested the Emperor to bestow upon him the office of *patricius et magister militum* and confer other constitutional powers, such as the right to appoint magistrates; the sentence 'ut amicitiam nobis illis pactis, illis conditionibus concedatis quas cum divae memoriae domno avo nostro inclitos decessores vestros constat habuisse' can hardly cover so basic a question and must refer to normal treaty relations. Again if the Goths in their parley with Belisarius (Proc., *BG* II, vi) could have cited a formal treaty or grant authorizing Theoderic's rule over Italy, they surely would have done so.

Of the terms on which Zeno approved of Theoderic's invasion of Italy we have only the vaguest accounts in our authorities (Jordanes, *Get.* 290-2; *Rom.* 348; Proc., *BG* I, i, 10-11; II, vi, 16, 23-4). The most explicit (Anon. Val. 49, 'cui Theodoricus pactuatus est, et si victus fuisset Odoacar pro merito laborum suorum loco eius dum adveniret tantum praeregnaret') suggest that Theoderic was provisionally to be king. According to Malalas (383-4) Theoderic after conquering Odoacer and becoming king in his stead was reconciled to Zeno and thereafter did everything to please him; amongst other things he 'received the codicils of his major officers from the Emperor Zeno, notifying him whom he wanted to be promoted, and he received the rods of the consuls in the presence of the Emperor himself' (καὶ τὰ κωδικίλλια μὲν τῶν αὐτοῦ ἀρχόντων τῶν μεγάλων ἀπὸ τοῦ βασιλέως Ζήνωνος ἐδέχετο, μηνύων αὐτῷ τίνα ἤθελε προαχθῆναι· καὶ τοὺς σκιπίονας δὲ τῶν ὑπάτων ἐπὶ τοῦ βασιλέως αὐτοῦ ἐλάμβανεν). The second clause may be a confused description of some such arrangement about the consuls as I have suggested. The first clause is patently untrue as a description of what actually happened, but may represent the terms which Zeno laid down. This clause is strikingly parallel to one of the conditions which Peter the patrician, as plenipotentiary of Justinian, demanded of Theodatus (Proc., *BG* I, vi, 3: ἦν δέ γε τῶν ὑπηκόων τινὰς ἐς τὸ τῶν πατρικίων ἢ ἄλλο βουλῆς ἀξίωμα Θεωδάτος ἀγαγεῖν βούληται, τοῦτο δὲ οὐκ αὐτὸν δώσειν, ἀλλὰ βασιλέα αἰτήσιν διδόναι). It is a possibility that Peter, who was, as the fragments of his works in the *de Caerimoniis* show, a great man for precedents, may have used Zeno's original terms to Theoderic as a model for the terms which he offered to Theodatus. In that case Zeno intended Theoderic to be a client king, who openly acknowledged the emperor as his suzerain, and had limited rights only over Roman bishops and senators, not being allowed to execute them or confiscate their property without the Emperor's consent, and had no power to appoint to the higher offices of state, but could only make recommendations to the Emperor.

As soon as he had defeated Odoacer in 490 Theoderic sent an envoy to Zeno, 'ab eodem sperans vestem se inducere regiam' (Anon. Val. 53). For some reason this embassy achieved no result. If my previous conjecture is correct, it might be inferred that Theoderic now repudiated the rather rigid conditions on which he had been offered the crown, and that Zeno was unwilling to yield. A second embassy was sent in 493, but Zeno died while it was still at Constantinople and 'Gothi sibi confirmaverunt Theodericum regem, non expectantes iussionem novi principis' (Anon. Val. 57). Thereupon Theoderic 'privatum habitum suaeque gentis vestitum reponens insigne regii amictus quasi iam Gothorum Romanorumque regnator assumit' (Jordanes, *Get.* 295). Later peace was made with Anastasius 'de praesumptione regni', and the Emperor returned to Italy the 'ornamenta palatii' which Odoacer had sent to Constantinople (Anon. Val. 64).

In all this there is no mention of anything save the kingship. As Theoderic had long been king of the Ostrogoths, the kingship in question was presumably (as Jordanes states) over the Romans. Ensslin's theory that Theoderic's title as king required reaffirmation because his original Ostrogothic subjects had by now been reinforced by other barbarians is not plausible and has been rejected by Stein. Theoderic apparently wished to receive the title from the Emperor, but not being able to get it on his own terms, allowed the Goths to proclaim him. Later, however, he secured Anastasius' recognition of his position. He appears to have attached particular importance to the right to wear the purple, unlike Odoacer, who was content with the title (*Chron. Min.* II, 159, 'nomenque regis Odoacar adsumpsit cum tamen nec purpura nec regalibus uteretur insignibus'). He presumably used the imperial regalia which he persuaded Anastasius to return. He never, however, claimed to be emperor, but only king (*Proc.*, BG I, i, 26, καὶ βασιλέως μὲν τοῦ Ῥωμαίων οὔτε τοῦ σχήματος οὔτε τοῦ ὀνόματος ἐπιβατεύσαι ἤξιωσεν, ἀλλὰ καὶ ῥῆξ διεβίου καλούμενος).

This, in my view, was the correct constitutional position as agreed between Anastasius and Theoderic: Italy was no longer part of the empire and Anastasius recognized Theoderic as its king. Two Roman senators do not appear to have accepted this position. In an inscription set up by Caecina Mavortius Basilius Decius (*ILS* 827) Theoderic is styled 'd.n. gloriosissimus adque inclytus rex Theodericus victor ac triumphator semper Augustus'. The other inscription, set up by Valerius Florianus (*Bull. Comm. Arch. Com.* LXXIII (1949-50), 79, completing *ILS* 825), begins: 'salvis dominis nostris Anastasio perpetuo Augusto et gloriosissimo ac triumphali viro Theoderico.' Both inscriptions suggest that some senators at any rate wished to believe that they were still living under the Roman empire. The first crudely makes Theoderic emperor as well as king, ignoring Anastasius. The second is more subtle. Italy is assumed to be part of the united empire and Theoderic's position is discreetly veiled; he is styled neither king nor emperor, but is coupled with Anastasius under the heading 'domini nostri' in a way which suggests that he was his colleague.

Both inscriptions must be regarded as reflecting rather the wishful thinking of the Roman aristocracy than the official constitutional doctrine. In every other document Theoderic is styled simply king, and that Italy was not, even in the most formal sense, a part of the empire under Theoderic is revealed by one of the terms on which Justinian was willing to recognize Theodatus as king, that when the king was publicly acclaimed, the Emperor should be acclaimed before him, and when a statue was set up to the king, a statue of the Emperor should be set up on its right hand (*Proc.*, BG I, VI, 4-5). If Anastasius had regarded Theoderic as an imperial commissary, he would surely have insisted on these acknowledgments of his sovereignty.

The theory that Theoderic was concurrently a Roman *magister militum* is based on two facts, that he never appointed a *magister militum*, and that he used as his own an *officium* which appears to have been that of the *magister militum*. Neither argument is very cogent. Theoderic may well have refrained from giving the title for political reasons; in Italy the *magistri* had been in the past overpowerful subjects, and he preferred to keep his military commanders in a subordinate role. There was evidently no constitutional difficulty since his successor Athalaric did appoint *patricii praesentales* (*Cass.*, *Var.* VIII, 9-12; XI, I, § 16). The second point is disputable, but I would agree that it is correct.

Theoderic, through the mouth of Cassiodorus, several times mentions 'officium nostrum'. From *Var.* VI, 13, 'formula magistri scrinii quae danda est comitiaco quando permilitat,' it appears that members of the 'officium quod nostris iussionibus speciali sollicitudine famulatum est' were called *comitiaci*. In II, 28, an 'ex principe nostri officii' receives on retirement the *comitiva primi ordinis* with the rank of *spectabilis*. From VII, 21-2, it appears that there were *scriniarii nostri officii* and from VII, 31, that the *princeps cardinalis* of the *officium comitiacum* was in immediate attendance on the king (at Ravenna) and that he had a *vicarius* at Rome. From VII, 24-5, it appears the *princeps* of the *comes Dalmatarum* was sent him 'ex officio nostro'. In IV, 40, a summons to the king's court is executed 'per officium nostrae sedis', and in I, 8 (cf. IV, 5); I, 27; II, 10; V, 6, *comitiaci* act as royal *executores*.

These data best fit the hypothesis that 'officium nostrum' was the *officium* of the

*magister militum praesentalis*. His *officium* was headed by a *princeps* (Not. Dig. Occ. v, 276 ; vi, 87). It comprised *scriniarii* (implied by the *primiscrinii* of Occ. vi, 89 ; cf. Or. v, 72 ; vi, 75 ; viii, 59 ; ix, 54 ; and Joh. Lydus, *de mag.* iii, 57 ; τοῖς δὲ τῆς στρατηγίδος ἀρχῆς σκρινιαρίοις συναριθμούμενος). From it were seconded *principes* to the *officia* of the *comites rei militaris* and *duces* (Not. Dig. Occ. xxv, 38 ; xxvi, 22, etc.). The title *comitiacus* would seem appropriate to the officials of the *magister militum*, who was often known, particularly in the West, simply as *comes* ; according to Joh. Lydus, *de mag.* ii, 7, in the East also οἱ μὲν γὰρ λεγόμενοι στρατηλάται τὴν τῶν κομίτων ἔχουσιν ἐκ τῆς ἀρχαιότητος καὶ μόνην τιμὴν· ταύτῃ καὶ κομιτιανούς τοὺς δευτεροστρατηλατιανούς ἢ παλαιότης οἶδε.

The constitutional significance of this fact is not, however, very evident. Odoacer had no doubt taken over the *officium* of the *magister praesentalis*, since he was *de facto* commander-in-chief, and Theoderic may well have followed his example, being in the same position ; alternatively he may have brought his own *officium* as *magister militum* with him when he invaded Italy and have retained it. In any case the use of this *officium* as his personal staff was a matter of administrative convenience rather than constitutional law.

It is furthermore alleged that in the 'capitulations' under which Theoderic was authorized to govern Italy two restrictions were placed on his powers. In the first place he was not authorized to enact *leges*, but only, like a praetorian prefect, to issue *edicta*. It is true that Theoderic did call his laws *edicta*, but this was probably a matter of policy. Shortly after his recognition by Anastasius Theoderic made an announcement to the Senate and People in which 'se omnia deo iuvante quod retro principes Romani ordinaverunt inviolabiliter servaturum promittit' (Anon. Val. 66). Later the Goths claimed (Proc., BG ii, vi, 17), οὕτω τοίνυν παραλαβόντες τὴν τῆς Ἰταλίας ἀρχὴν τοὺς τε νόμους καὶ τὴν πολιτείαν διεσώσαμεθα τῶν πώποτε βεβασιλευκότων οὐδενὸς ἥσσον, καὶ Θεουδερῖχου μὲν ἢ ἄλλου ὅτουοῦν διαδεξαμένου τὸ Γόθων κράτος νόμος τὸ παράπαν οὐδεὶς οὐκ ἐν γράμμασιν, οὐκ ἄγραφός ἐστι. There seems no reason to doubt that Theoderic's action was, as stated, a spontaneous concession, designed to reassure and conciliate the Romans.

The second alleged restriction was that Theoderic was incapable of giving the Roman citizenship to Goths, and *a fortiori* of appointing them to Roman offices or making them senators, patricians or consuls : since Theoderic habitually appointed Goths as *comites rei militaris* and *duces*, these offices, though they carried the Roman ranks of *illustris* and *spectabilis*, are for the purpose of the theory not regarded as 'Roman', nor is the *comitiva patrimonii*, to which also Goths were sometimes appointed. It is true that Theoderic appointed no Goth as consul except his son-in-law Eutharic, and that he is not known to have created any Goth patrician : Athalaric did, however, bestow this rank on Tuluin (Cass., Var. viii, 9). Tuluin took his seat in the Senate (Cass., Var. viii, 10-11). It is not known if any Goths became senators under Theoderic, but many acquired the rank of *illustris*, which was the qualification for entry to the Senate (Cass., Var. iv, 12, 46, Marchedus ; i, 40 ; iii, 26 ; iv, 9 ; ix, 8 ; 9, Osuin ; v, 18 ; ix, 13, Willia ; iv, 16, 22-3, Arigern), and in one case, that of Arigern, Theoderic uses language which, taken at its face value, implies that he was a senator (Cass., Var. iv, 16, 'quem desideratum, sicut putamus, coetui vestro reddidimus').

It is true that Theoderic did in fact reserve the civil offices (except the *comitiva patrimonii*, which was a new creation) to Romans, and the Goths later claimed as evidence of their good rule over Italy that the Romans 'have continued to hold all the offices of state, and no Goth has participated in them' (Proc., BG ii, vi, 19). But there is no evidence that this was not merely a matter of policy. All the German kings employed Romans freely in civilian posts, partly because they were alone qualified to perform their functions, and partly no doubt to conciliate public opinion.

I would maintain then that Theoderic invaded Italy as *patricius et magister militum praesentalis* of Zeno, but in 493 having conquered Odoacer abandoned this office and had himself proclaimed king (of Italy) by the Goths (in Anon. Val. 49-54, he is called *patricius* up to this date, but never thereafter). In 497 he was recognized as such by Anastasius. Having a deep admiration for Roman civilization and wishing to conciliate his Roman subjects, and in particular the Senate, he announced that he would preserve the Roman law, thereafter modifying it only by *edicta*, maintained the existing administrative structure, and made it his consistent policy to appoint Romans to civilian offices. Goths were

appointed to the military offices (and to the *comitiva patrimonii*), and given the appropriate titles of rank; if *illustres* they were perhaps enrolled in the Senate. He created no *magistri militum*, preferring to give his generals the more modest titles of *comes* or *dux*, and is not known to have conferred the patriciate on a Goth; his successor, however, did not maintain these policies. He assumed the right of nominating a consul each year, but the Emperor did not regard his nominations as valid; he did, however, informally agree himself to grant the consulship to Theoderic's nominees.

The peculiarity of Theoderic's position was not, I would maintain, the result of any formal concordat between him and the Emperor, but the fruit partly of his personal policy, partly of his exceptional position as ruler of Rome and Italy. It is evident from all our sources that he had a deep and genuine respect and admiration for Roman *civilitas*, and that he did his best to preserve it and to inculcate it among the Goths. But even if this had not been his personal preference, his practical position was very different from that of the other barbarian kings. The Vandals, Visigoths, Burgundians and Franks occupied outlying dioceses of the empire. They inherited only the provincial administration and there were relatively few senators among their subjects. Theoderic, and Odoacer before him, inherited the central government of the empire, and Rome itself, with its Senate. While the other barbarian kings improvised central governments of their own making, Odoacer and Theoderic, if only by force of inertia, maintained the ancient offices of the imperial *comitatus* and the praetorian prefecture. The other kings did not need to be over careful to placate the scattered senatorial families resident in their dominions. These senatorial families preserved, it is true, great social prestige and their members were often employed in high offices by the kings. But they did not constitute a privileged order. It is notable in the *Breviarium* of Alaric that scarcely any laws about the privileges, honours and precedence of senators are preserved. Senators are in fact mentioned only three times in the *interpretationes*. In *Cod. Theod.* II, xxxiii, 3 and 4, senators are forbidden to charge more than 6 per cent interest on loans, and in Marcian, *Nov.* v, they are permitted to marry women of low degree. In *Cod. Theod.* IX, xl, 10, where the original law gives a jurisdictional privilege to 'senatorii ordinis viri', the *interpretatio* changes this phrase to 'maiores personae aut alicuius dignitatis viri'.

Odoacer and Theoderic, on the other hand, were faced by the bulk of the senatorial order, including its most ancient and wealthiest families, and by the Senate itself, with its strong corporate tradition. It is in the circumstances hardly surprising that they should have been careful to grant to senators the offices and honours which they prized so highly, meticulously observed the protocol on which they set such store, treated the Senate as a corporation with deference, and in general avoided any unnecessary disturbance of the existing order.

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The Greeks under the Roman Empire

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THE GREEKS  
UNDER  
THE ROMAN EMPIRE

A. H. M. JONES

THE most surprising feature of Roman rule in the Greek East is that despite its long duration it had so little effect on the civilization of the area. The influence was indeed in the other direction. In Horace's much quoted phrase *Graecia capta ferum victorem cepit*. Even in the late third century an important group of Roman noble families became deeply imbued with Greek culture, and as time went on every cultivated Roman came to receive a Greek education, to read Greek literature, to study Greek rhetoric and philosophy. Many Romans were as at home in Greek as in Latin. Cicero in his letters often uses a Greek phrase to convey a nuance too subtle for Latin; Marcus Aurelius wrote his intimate memoirs in Greek. Roman aristocrats, though they might have a low opinion of contemporary Greeks, had a profound reverence for Greek civilization and were deeply imbued with its culture.

This feeling was not reciprocated. Some Greeks might admire the political wisdom of the Romans and all were impressed by their military power, but they never ceased to regard them culturally as barbarians. The Greeks were supremely satisfied with their own language and literature, and, except for a few antiquarians like Plutarch, who were curious about Roman history and institutions, felt no call to learn the barbarous Latin tongue or read its uncouth and imitative literature.

The result was that the Greeks had no impulse to Romanize themselves, and the Roman government felt no mission to impose their civilization on the East. In the barbarian West the natives quickly adopted Roman culture, and the government encouraged them by appropriate grants of status. Countless communities were converted into *municipia* of Roman citizens, and whole provinces accorded the Latin right. Nothing of the kind happened in the East. Nowhere was *Latinitas* granted, and the *municipia* of the Greek world number precisely three, Stobi and Denda in Macedonia, and Coela in the Thracian Chersonnese. There was, moreover, relatively little Roman colonization in the East. Caesar, the triumvirs, and Augustus planted twenty odd colonies of veterans, nine or ten in Greece and Macedonia, ten in various parts of Asia Minor, and one in Syria. Later emperors added about a dozen colonies to the list. It is very unlikely that any programme of Romanization lay behind these foundations. Some, like Corinth and Aelia Capitolina, were revivals of destroyed cities, others were perhaps designed as fortresses to control turbulent areas; this motive may explain Augustus' Pisidian group. But for the most part the founders were merely concerned to provide land for their veterans, and founded colonies where it was available; hence the large number of settlements planted by Caesar, the triumvirs, and Augustus, who had exceptionally large numbers of veterans for whom they had to provide.<sup>1</sup>

<sup>1</sup> Pliny, *NH* III. 145 (Denda), *ib.* IV. 34, Head, *Hist. Num.*<sup>2</sup>, p. 245 (Stobi), *Année Epigr.* 1924, 82, Head, *Hist. Num.*<sup>2</sup>, p. 259 (Coela). It is difficult to prove a negative, but if any other *municipia* had existed, their coins or inscriptions would probably have survived. For Roman colonization in the East see my *Greek City from Alexander to Justinian*, pp. 60-64.

These colonies were gradually assimilated to their Greek environment: one can trace on their inscriptions and coins the supersession of Latin by Greek. Outside the colonies Latin can rarely have been heard. The administrative language of the Roman Empire in the eastern provinces was Greek. The emperors had a special bureau *ab epistolis Graecis* to handle their correspondence with Greek cities and provincial assemblies. Edicts were published in Greek; rescripts to Greek petitions were given in the same language; in the law courts proceedings were conducted in Greek. The proconsuls, legates, procurators, and other officials were drawn from the stratum of Roman society to which Greek was a second language. Only in the army was Latin the official language, and even here it became increasingly merely official. Regimental records and accounts were kept in Latin, and Latin was no doubt the language of command. But the eastern legions were from the beginning of the principate, and indeed earlier, largely recruited locally from men whose native language was Greek, and in their private correspondence, as we know from the papyri, the soldiers generally used that language, though they presumably had to learn enough Latin to understand their orders. In the East the army was not, as in the western provinces, a force making for Romanization. The garrison towns remained Greek and no Roman *municipia* arose from the legionary *canabae*.<sup>2</sup>

Roman citizenship remained rare in the Greek East until the *Constitutio Antoniniana* in 212 abruptly made all free inhabitants of the Empire Romans. The only communities of citizens were the few colonies and the even fewer *municipia*. A certain number of Greeks acquired the citizenship by enrollment in the legions, or after their discharge, by service in the *auxilia*. The citizenship was also granted on a fairly liberal scale to individuals, chiefly the notables of their cities. But the proportion of Roman citizens must have been minute.

It follows that Roman law was rarely applicable in the Greek East. It was the law of the colonies and *municipia*, but the vast majority of cities followed their own codes, and Greek law prevailed in Egypt. For normal purposes the isolated Roman citizens scattered among the Greek population conformed to the local law. Only for certain aspects of family law was a Roman citizen obliged to follow Roman rules. He was, for instance, supposed to make his will in Latin. But in Egypt Roman citizens often tried to evade even this rule, and drew up their wills in Greek, adding a clause declaring that their provisions should be valid as if written in Latin; such wills were declared invalid by the Idios Logos. Here again the *Constitutio Antoniniana* in theory revolutionized the situation; Roman law was thenceforth universally applicable, and

<sup>2</sup> An imperial secretary *ad legationes et responsa Graeca* (*Année Epigr.* 1924, 78) or ἐπὶ τῶν Ἑλληνικῶν ἀποκριμάτων (Dittenberger, *Syll.*<sup>3</sup> 804) is recorded as early as the reign of Claudius. It is hardly necessary to cite official letters and edicts in Greek; see for instances those collected in Ehrenberg and Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*, 299ff. Imperial rescripts are often cited in Greek in the Digest (e.g. L. vi. 5, §§ 2, 6). For the use of Greek in the courts we have the evidence of papyri (e.g. Mitteis, *Chrestomathie*, II. 372). For the recruitments of the eastern legions, see Parker, *The Roman Legions*, pp. 181–3 (cf. Forni, *Il reclutamento delle legione*, for a detailed analysis). Examples of soldiers' letters in Greek are *BGU* 423, 814.

the only law of the Empire. In practice the *Constitutio* for some time made little change in the East; there were not enough notaries, barristers, or jurisconsults who knew Roman law. Documents continued to be drawn in the old Greek forms, and a clause was added to each converting it into a Roman *stipulatio*.<sup>3</sup>

So far from encouraging Romanization the government favored Hellenization in the surviving backward areas of barbarism. The main evidence for this is its activity in founding Greek cities. The eastern provinces came to be littered with Sebasteias and Sebastopolises, Claudiopopolises, Flaviopopolises, Trajanopolises, and Hadrianopolises; scarcely an emperor was not commemorated by a city or two, and some by many more. As in the Hellenistic age, dynastic titles are tricky evidence. It is hard to tell in most cases whether the initiative came from above or from below, and what was the significance of the new name. It might be merely complimentary, an expression by the city of its devotion to an emperor, or a reward given to a city by an emperor for its loyalty. It might celebrate an imperial benefaction, such as financial aid after a fire or an earthquake. But it might be more significant, denoting the reorganization, whether spontaneously or by imperial initiative, of a primitive tribal commune as a city, or the grant of self-government to a town which had hitherto been subject to a dynast or belonged to a centrally administered kingdom. Finally, a dynastic name might celebrate the physical creation of a new city, usually in a rural area hitherto centrally administered.

It may be doubted whether the motives of the Roman government in founding cities were always purely idealistic. Dynasts were liable to be troublesome, because they or their heirs might be incompetent or unruly; a self-governing city was a more stable and responsible unit of government. For practical reasons the Romans also disliked centralized governments, which they found difficulty in running efficiently themselves, and preferred to devolve the administration on to self-governing communities. The policy of devolution goes back to republican days, when Pompey divided the kingdom of Pontus into eleven city states, some of which were the old Greek colonies of the coast, others royal administrative centers, others again entirely new creations; to those last Pompey gave names celebrating their founder's *nomen* and *cognomen*, Pompeiopolis, Magnopolis, Megalopolis. Under the principate the attempt was often made to preserve the bureaucratic régime of an annexed kingdom, but such attempts were never successful in the long term. Thrace, annexed under Claudius, was converted into a group of cities by Trajan and Hadrian. In Cappadocia and Judaea the area of centralized administration was gradually reduced by successive city foundations. In Egypt the Ptolemaic administrative machine, which was fiscally highly profitable if efficiently run, was preserved

<sup>3</sup> It is in fact only in Egypt that we have any knowledge of the law prevailing in the provinces; see Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*. For Roman wills drawn in Greek, see § 15 of the Gnomon of the Idios Logos (BGU 1210). It has been doubted whether the *Constitutio Antoniniana* did make all free inhabitants of the Empire citizens, and whether it made them subject to Roman law, but in my view wrongly; see my *Studies in Roman Government and Law*, p. 129ff, and Jolowicz, *Historical Introduction to Roman Law*<sup>2</sup>, pp. 545-7. For the mechanical use of the formula of *stipulatio*, see Jolowicz, *op. cit.* pp. 423, 546.

for over two centuries, but eventually a modified form of city government was introduced by Septimius Severus.<sup>4</sup>

Whatever its motives, however, the foundation of a city usually did something to promote Hellenization. If a town was erected *de novo* it became with its gymnasium, theatre, stadium, and other urban amenities, a center of Greek life. If a pre-existing town was granted self-government, it was thereby enabled to create such amenities for itself if they were lacking, and to improve and expand them if it possessed some or all of them already. It can, at any rate, be claimed that, either by the direct initiative of the Roman government or with its blessing and assistance, a number of small enclaves of rural barbarism were urbanized and thereby Hellenized, and several large areas, notably Thrace and northern and eastern Asia Minor, were endowed with cities which served as centers of Hellenization.

At the same time that it was founding new cities the Roman Government was unwittingly sapping the foundations of the city state throughout the Empire. The life of the city depended on autonomy, enjoyed in the present or at least hoped for in the future, and autonomy meant, to put the matter crudely, liberty for each city to fight its neighbors whenever it wished, and liberty for the citizens to struggle with one another by constitutional means or by violence for control of the government. Both had been possible in the Hellenistic period. Most kings were not so powerful but that a combination of cities could defy them, and the cities could still exploit for their own advantage the frequent wars between rival kingdoms or rival claimants for the crown. The predominant form of constitution in the Hellenistic age was democratic, and the kings imposed their control more by means of governors and garrisons than by constitutional restrictions on democratic liberty.

Even while the Roman republic was subduing the Hellenistic monarchies there was still hope. To us, with our knowledge of what was to come, the advance of Rome seems irresistible and inevitable, but contemporary Greeks had not the power of prophecy. Rhodes, and many of the cities of mainland Greece, hoped that the Third Macedonian war would result in a balance of power between Rome and Macedon, and trimmed their sails accordingly. In the middle of the second century the Achaean League endeavored to assert its liberty of action and challenged Roman authority. Even in the first century most of the Greek cities of Asia, and many of those of Greece itself, must have believed that Mithridates would prevail, and actually supported him. It was only gradually—probably after Pompey's vast conquests—that it came to be realized that Rome was invincible and that her rule was universal and had come to stay. Thenceforth the Greek cities had to recognize that in their external affairs they would never again be free.<sup>5</sup>

The Romans distrusted democracy, and believed the government would be more stable if vested in the better sort of citizens, whom they identified with

<sup>4</sup> See my *Cities of the Eastern Roman Provinces*, pp. 10–22 (Thrace), 157–60 (Pontus), 177–83 (Cappadocia), 274–81 (Judaea), 311–38 (Egypt).

<sup>5</sup> The sentiments of the Greeks during the Third Macedonian War are well described by Polybius (xxvii. 9. 10). For the welcome given to Mithridates, see Appian, *Mith.* 20–3, 28–9.

the richer. They no doubt also calculated that men of property, who had more to lose, would be less likely to take the risks involved in rebellion. They generally, therefore, imposed on cities which came under their control property qualifications for office and for membership of the council, and strengthened the council by giving its members life tenure. External forms were not altered. The popular assembly still met and elected the magistrates and passed decrees. But control passed to the propertied class. This policy goes back to Rome's earliest contact with Greece. After the Second Macedonian War Flamininus imposed the rule on the Thessalians and the other Greek peoples whom he freed from Macedonian rule. It was applied to all the rebellious cities of Greece in 146 B.C. and we find it in Asia, Bithynia and, it would seem, throughout the Greek world. Thenceforth oligarchies ruled the cities, and any attempt of the populace to challenge this dominance was "sedition," and was, as such, forcibly repressed by the provincial governor.<sup>6</sup>

The Greek city state thus sank to the status of a municipality, and even in its internal government all vital political activity was stifled. The spirit of civic patriotism nevertheless long survived the political demise of the city. Now that they were no longer allowed to fight one another, the cities pursued their feuds in ways which were less destructive, but were at best somewhat futile and tended to become economically unhealthy. They conducted bitter and long drawn out diplomatic battles for empty titles and points of precedence, bombarding the imperial government with embassies. But above all they strove to outshine one another in the magnificence of their public buildings and the splendor of their festivals. In their mutual rivalry they strained their economic resources, initiating huge theatres and baths which they were unable to complete, and offering extravagant prizes to attract the most celebrated athletes and artists to their games. Eventually the imperial government had to intervene; the permission of the provincial governor was required for all important building projects, iselastie games (those, that is, that carried the same privileges to victors as the Olympian and the other Panhellenic games) could be founded only by imperial authorization; and finally imperial commissioners (*curatores* or λογισταί) were appointed, at first sporadically and temporarily, eventually as a permanent and universal institution, to control the internal finances of each city.<sup>7</sup>

Internal politics followed a similar evolution. An ambitious young man, as

<sup>6</sup> Livy, XXXIV. 51, *a censu maxime et senatum et iudices legit, potentiooremque eam partem civitatum fecit cui salva tranquillaque omnia magis esse expediebat* (Flamininus), Pausanias, VII. xvi. 9, δημοκρατίας μὲν ἔπαυε, καθίστατο δὲ ἀπὸ τιμημάτων τὰς ἀρχάς (Mummius). Life tenure of councillors in Asia is implied by Cicero, *pro Flacco*, 42 ff. For Bithynia the rules of the Lex Pompeia are cited in Pliny, *Ep.* X. 79, 112, 114. A similar system, whereby local censors enrolled the city-councils, is implied by IGR III. 930, τιμητεύσας τὴν βουλὴν, for Cyprus, and by IGR III. 179, 206, for Galatia. For the suppression of "sedition," see Dittenberger, *Syll.*<sup>3</sup>, 684, Cicero, *ad Quintum fratrem*, I. 1 § 25. Cf. also Cassius Dio, LII. 30.

<sup>7</sup> For feuds between cities, see Dio Chrysostom, *Or.* XXXIV, XXXVIII, XL. For a dispute about titles between Ephesus, Pergamum, and Smyrna, see Dittenberger, *Syll.*<sup>3</sup> 849; cf. also Cassius Dio, LII. 37 § 10. On competitive expenditure on buildings and games, see Dio Chrysostom, *Or.* XL. 10, Cassius Dio, LII. 30 § 3. For imperial control of buildings, see Dio Chrysostom, *Or.* XL. 6, XLV. 15, *Dig.* L. viii. 7 § 1, x. 3, 6, 7, and Pliny, *Ep.* X, *passim*; of games, Pliny, *Ep.* X. 118-9, IGR IV. 336, 1251, 1431. On imperial *curatores*, see my *Greek City*, pp. 136-8.

Plutarch regretfully remarks, could no longer win renown by leading his citizens to victory in war, by negotiating a treaty, by suppressing a tyrant or by reforming the constitution. He might, it is true, still make his name by going on an embassy to the emperor and by a brilliant speech gaining for his city the title of "first of the province," or the privilege of being an assize town. But in general rival politicians could win popularity only by outbidding one another in their munificent expenditure on games and buildings, or on largesse to the people. Political rivalry ran so high that less opulent contestants not infrequently squandered their entire fortunes in the struggle; in which case the city was allowed, contrary to the usual rule which forbade *ex gratia* payments from public funds, to vote them a pension. Ultimately the standard of expenditure expected of aspirants to the magistracies and to seats on the council became so high that even wealthy citizens became reluctant to hold them. The rule was enforced that a candidate must accept nomination (which was automatically followed by election) unless he could plead some legal exemption, and a search for exemptions began. This development is very difficult to date and was by no means uniform. In some cities it had already begun in the first century, it became more widespread in the second, and by the early third seems, to judge by the elaborate rules laid down by the Severan lawyers, to have been generally prevalent. Long after that date, even in the fourth and fifth centuries, there were still some patriotic citizens who voluntarily accepted office and spent lavishly in producing games. But, broadly speaking, it is probably true to say that by the third century the Greek city state and the feverish patriotism which it had inspired was dead. The cities had become mere units of local administration and their government was a compulsory burden imposed on their richer citizens.<sup>8</sup>

Though they died politically, the cities retained, and indeed enhanced, their importance as centers of Hellenic culture. Most cities now maintained higher education from their public funds, appointing professors of grammar and rhetoric and paying them regular salaries as well as according them various immunities. A ruling of Antoninus Pius limited the number of public professors; an ordinary city might have three grammarians and three rhetors, the capital of an assize district four of each, a metropolis five. In these schools a literary education was supplied according to the norm laid down in the Hellenistic age, but the curriculum became increasingly narrowed, and more and more emphasis was thrown on rhetoric. The corpus of classical literature which was taught in schools and generally used by the cultivated public tended to be more and more a selection, the seven best plays of each of three best Attic tragedians, for instance, and there was a growing use of florilegia.<sup>9</sup>

The expansion of education promoted by the cities was reflected in the wider diffusion of literary production to areas hitherto barren. The majority of

<sup>8</sup> Plutarch's *Praecepta rei publicae gerundae*, directed to a young man of modest means who wishes to enter local politics, is very revealing of the heavy demands made by the public on politicians' purses. For pensions to ruined decurions, see Pliny, *Ep.* X. 90-1, *Dig.* L. ii. 8. For the introduction of compulsion to fill the magistracies, see my *Greek City*, pp. 181-91.

<sup>9</sup> For the numbers of civic professors, see *Dig.* XXVII. i. 6 § 2, and for their salaries, L. ix. 4 § 2.

authors naturally came from the old established centers of Hellenism, but now even Samosata on the Euphrates on the extreme eastern fringe of the Empire produced the notable satirist Lucian, and the very Syrian city of Emisa, with its archaic oriental cult of Elagabalus, the novelist Heliodorus. Oppian, the poet of fishing and hunting, came from Anazarbus in the backward hinterland of Cilicia, still under the early principate ruled by the native dynast Tarcondimotus, and in the heart of Asia Minor, Laranda of Lycaonia produced the epic poets Nestor and his son Pisander. One of the most celebrated rhetors of the second century, Aelius Aristides, hailed from the remote Mysian city of Hadrianotherae. It is at any rate a curious coincidence, if not more, that literary production corresponds closely with the development of cities. The recently urbanized areas of Pontus and Thrace were unproductive, and the few Cappadocian literary figures came from the old foundations of Ariarathes the Philhellene, Tyana, and Caesarea Mazaca. In Egypt, outside Alexandria, the only notable authors were the great astronomer and mathematician Claudius Ptolemy of Ptolemais, and the author of the *Deipnosophistae*, Athenaeus of Naucratis. The metropoleis of the nomes were barren until in the third century Lycopolis gave birth to the great philosopher Plotinus.

The cities also encouraged music and drama by the many competitions which they celebrated. The theatre had, even in the Hellenistic age, been professionalized. The poets, actors, singers, and instrumentalists formed regional unions, and toured the cities of a given area. In the Roman period, probably under Trajan, these regional unions were amalgamated into one "holy oecumenical synod of the artists in the service of Dionysus." They were paid for their performances, and the victor also received prizes.<sup>10</sup>

Athletics were likewise fostered by the cities. Every city had at least one gymnasium, and some had as many as three, for boys, youths, and old men. Every city celebrated games on various scales of magnificence, comprising chariot races and the traditional athletic events. Athletes always remained in theory amateurs, but some at any rate, to judge by the immense numbers of victories which they won, seem to have become in fact professionals: they were not paid, however, though they could win large sums in prize money, and if victorious in iselastic games were entitled to a pension for life from their native cities.<sup>11</sup>

In the games some Roman influence penetrated into the Greek East. Gladiatorial shows and combats with wild animals were added to the repertory. The former seem never to have become common, and were abolished by Constantine. The latter became increasingly popular, and were still flourishing in Justinian's day.<sup>12</sup>

<sup>10</sup> For the Dionysiac artists, see Poland, *Geschichte des griechischen Vereinwesens*, pp. 129-47 and s.v. *technitai* in *Pauly-Wissowa*, VA, 2473 ff. Their pay is mentioned in *SEG* I. 362, IV. 303, 306, 308, *IG*. IX. i. 694, XII. ix. 207, *Syll.*<sup>3</sup>, 1077.

<sup>11</sup> On the gymnasia, see Oehler's article in *Pauly-Wissowa*, VII. 2004-26. For the social status of athletes, see *Rev. Arch.* 1934, pp. 55-8; examples of athletes of good family are *IGR* I. 381, III. 500, 623, 625-6, IV. 844, 1344. For the pensions of victors, see Wilcken, *Chrestomathie*, I. 157.

<sup>12</sup> For gladiators in the East, see L. Robert, *Les gladiateurs dans l'Orient grec* (Paris, 1940). They were prohibited by *CTh* XV. xii. 1, 325, and are mentioned as a memory of childhood by Libanius



The cities were, moreover, the most important patrons of architecture and sculpture. They built countless temples, triumphal arches, theatres, odea, stadia, gymnasia, nymphaea, and baths, and laid out great colonnaded streets and markets. They commissioned thousands of statues of emperors, imperial officials, and local worthies, until in some cities the streets and squares became congested. On the style of these monuments I will forebear to speak, since others far better qualified than I will discuss the problem later. I need only to remark that oriental survivals were rare in the art of the Roman East; the Egyptian temples continued to be built in the traditional style, and in the border city of Palmyra the sculpture shows Parthian influence, and that is about all. There was much interchange of architects and sculptors between the Greek East and the Roman West, and some Roman techniques and stylistic innovations were transplanted to the East. But the main flow of men and ideas was from East to West, and in general the East seems to have maintained its Greek traditions.

The official civic cults remained as Hellenic as they had been in the Hellenistic age, and perhaps became more so. We can, at any rate, be certain that the shrines of the local gods were fully Greek in their architectural form in the Roman period, for many temples of this period survive; Zeus of Aezani in the heart of Phrygia was housed in a fine Greek temple. Even at Jerusalem Herod the Great gave the unhellenized Jehovah a great temple whose predominant effect was Greek. Only the actual sanctuary was built according to the hallowed prescription of the Scriptures; the complex of courts which surrounded it were in the Corinthian order. And Herod's temple was greatly admired by the Jewish people, suspicious as they were of anything Hellenic.<sup>13</sup>

But, at the same time, the Roman age saw the wide diffusion of a number of very oriental cults, the so-called mystery religions. The Egyptian worship of Isis had already begun to spread outside Egypt in the Hellenistic age and now became universal. Mithraism, a Persian cult, spread far and wide, and so also did the worship of the Phrygian Great Mother of the Gods. Judaism seems also to have become widely diffused; we hear of many proselytes in the first century. More significant for the future was the growth of Christianity. There was a steady growth of religiosity throughout the Empire, and especially in the eastern provinces, and this growing religiosity found more satisfaction in the oriental cults than in the official Hellenic or Hellenized gods. Greek philosophy also took on a more religious tone. Both the two new philosophic schools of the Roman period, Neopythagoreanism and Neoplatonism, were strongly infused with religious emotion. How far this religious tone was of oriental inspiration it is difficult to say. Asceticism, contempt for the world of the senses, a craving for mystical contemplation of and union with the divine,

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(*Or.* I. 5); there is no later allusion to them in the East. For the popularity of wild beast hunts, see Libanius, *Ep.* 1399; he wrote many letters asking for their supply for games given by his friends (*Ep.* 217-9, 544, 586-8, 598-9, 1231-2, 1399, 1400). Civic beast shows are still mentioned in *CJ* XI. xli. 5 (where "bestias" has been interpolated by Justinian's editors into a law dealing with charioteers and horses).

<sup>13</sup> Josephus. *Ant. Jud.* XV. 391-420 (see especially 414 for the use of the Corinthian order).

can all be traced to a pure Hellenic source in Plato. But the strong emotional emphasis on these features of Platonism may be due to oriental influences.<sup>14</sup>

The Greek East imposed the Hellenistic concept of the monarchy on the Empire at large. Under the republic the Greeks were somewhat at sea. They could, and very often did, worship the goddess Roma, but so abstract a conception does not seem to have satisfied them. Alternatively they could worship their provincial governors, and this they regularly did. But the provision of temples and festivals for an annual series of proconsuls had obviously practical difficulties, especially on the financial side, and these cults were rarely enduring. Some proconsuls who had been notable benefactors to the provinces were long worshipped: the cult of Mucius Scaevola by the cities of Asia struck firm roots. But in general the worship of proconsuls became one of the many devices whereby provincial governors fleeced their subjects; a fund was raised and the new god pocketed it.<sup>15</sup>

Octavian's emergence as sole ruler of the Roman world was thus greeted with relief. In him the Greek East forthwith saw a king—the Greeks were not interested in the nicely adjusted republican formulae on which his authority was officially based—and they forthwith hastened to worship him. Directly after Actium the Greek cities of Asia and Bithynia asked leave of Octavian to build temples to him in their respective provinces, and to celebrate his cult in provincial festivals. Octavian insisted that Rome should be associated with himself as the object of cult, and very soon nearly every eastern province was celebrating the worship of Rome and Augustus. The cult was so obviously a useful means of focussing the loyalty of the provincials to the head of the Empire that Augustus transplanted it to the barbarian western provinces, and altars of Rome and Augustus were soon inaugurated at Lyons and Cologne, where the notables of the Gallic and German tribes met and celebrated the worship of the Emperor.<sup>16</sup>

To the Emperor likewise the Greeks transferred the Hellenistic philosophic doctrine of the kingship and of the royal virtues which the ideal king should cultivate. It is in fact from the Roman period that we derive the earliest extant examples of this literature in the series of orations on kingship produced by Dio Chrysostom and the other notable rhetors of the Greek East.<sup>17</sup>

The imperial cult and these orations, notably the great panegyric of Aelius Aristides on Rome, accurately reflect the feeling of the Greeks to the Roman Empire during this period. The Greeks were not—with a few exceptions—legally Roman citizens, full members of the commonwealth. They were, and felt themselves to be, passive beneficiaries of Roman rule. The emperor was ideally, and to a large extent in practice, their great savior and benefactor,

<sup>14</sup> See A. D. Nock's admirable chapter on "The Development of Paganism in the Roman Empire" in the *Cambridge Ancient History*, XII. xii.

<sup>15</sup> On the cult of Rome, see Livy, XLIII. 6, Tacitus, *Annals*, IV. 56; on that of proconsuls Cicero, *ad Quintum fratrem*, I. i § 26, *ad Atticum*, V. 21, *ad Fam.* III. 7, *pro Flacco*, 55 ff.

<sup>16</sup> Suetonius, *Augustus*, 52, *templa, quamvis sciret etiam proconsulibus decerni solere, in nulla tamen provincia nisi communi suo Romaeque nomine recepit*; Cassius Dio, LI. 20 (Asia and Bithynia), Suetonius, *Claudius*, 2, Strabo, IV. 192 (Gaul), Tacitus, *Annals* I. 59 (Germany).

<sup>17</sup> Dio Chrysostom, *Or.* I–IV, Aelius Aristides, *Or.* XXVI.

who with his legions protected them from the barbarians and through his governors maintained internal peace. The Romans were the aristocracy who governed and guarded the provincials under the emperor's supreme command. Under the protecting aegis of Rome the Greek cities were enabled to live their own life, developing and expanding their Hellenic culture, building yet more splendid temples to their gods, yet more schools and gymnasia wherein they perfected their intellectual and physical education, yet more theatres and stadia wherein they celebrated yet more magnificent festivals of drama, music, and athletic prowess. For all this they felt profound gratitude to Rome and the emperor, but they regarded them as external benefactors, to be worshipped and celebrated in panegyrics. Like the immortal gods the emperors needed no help in their task, they required only due honor from their subjects. The loyalty of the Greeks to the Empire was in fact completely passive, and Rome evoked no active patriotism.

In the course of the late third and early fourth centuries a number of changes occurred in the Empire which had profound effects on the Greek East. One of the more important of these for our purposes was the gradual decay of Greek culture among the Roman governing class. In the first place the emperors tended at this period to be military men of relatively humble origins drawn from the less cultivated areas of the Latin West, particularly from Illyricum. Such men knew no Greek themselves, and they employed as their ministers and governors men of similar origins. Constantine indeed, having spent his boyhood at Diocletian's court in the East, knew some Greek—he could understand and even intervene in the debates at Nicaea, and the Theodosian Code has preserved a fragment of the acts of the imperial consistory in which he argues with a Greek litigant. But his native language was Latin—he was born at Naissus in the Latin speaking province of Dacia—and he preferred to give his opening address to the Council of Nicaea in Latin and had the theological treatises which Eusebius of Caesarea wrote for his edification translated into Latin. For his negotiations with the eastern Christian sects he employed a bilingual Antiochene, Strategius, who became his indispensable assistant in religious affairs, and rose to become the *comes* Musonianus. Of the later emperors of the eastern parts the Pannonian Valens knew little or no Greek, nor, probably, did the Spaniard Theodosius. These Emperors moreover imported many of their own countrymen to the East. Numerous boorish and illiterate (as far as Greek went) Pannonians came in Valens' train; Libanius complains that several governors of Syria, including the notorious Festus of Tridentum, knew no Greek. Two of Theodosius' pretorian prefects of the East, Cynegius and Rufinus, were westerners, hailing from Spain and Gaul respectively; Rufinus had to have Libanius' letters to him translated into Latin. The court of Constantinople thus continued to the end of the fourth century to be predominantly Latin speaking and many high officials spoke no Greek.<sup>18</sup>

<sup>18</sup> For Constantine at Nicaea, see Eusebius, *Vita Constantini*, III. 13, *Theod. HE.* I. 12; in the consistory, *CTh* VIII. xv. 1; Eusebius' works translated into Latin, Eusebius, *Vita Constantini*, IV. 35. For Strategius Musonianus, see Ammianus Marcellinus, XV. xiii. 1. That Valens knew no Greek appears from Themistius, *Or.* IX. 126b. For Festus and Rufinus, see Lib. *Or.* I. 156, *Ep.* 865.

Apart from this social change Greek withered away in the West even in the most cultivated circles. We cannot trace the chronology of the change, but by the second half of the fourth century even so polished an aristocrat as Symmachus confesses that he had to rub up his schoolboy Greek to help his son in his lessons. And so learned a man as Augustine, deeply interested in Greek philosophy and theology, never mastered Greek, using translations and occasionally, it would seem, spelling out a sentence or two with the aid of a lexicon. Boys still learned Greek at school, but they ceased to read Greek literature, and soon became rusty. By this date, then, even cultivated Romans of the West who took up posts in the eastern parts could not speak Greek or even read it with ease.<sup>19</sup>

The establishment of a second capital at Constantinople thus had the rather anomalous effect of making it necessary for the Greeks of the eastern parts to learn Latin if they aspired to high imperial offices or wished to penetrate court society. Those with rather humbler ambitions also had to acquire Latin. The central imperial ministries, including the praetorian prefecture of the East, conducted their business in Latin. Latin, moreover, became more and more desirable, if not indispensable, for barristers. Proceedings in court were, it is true, still conducted in Greek, but knowledge of Roman law was coming to be expected from the bar, and the teaching of Roman law and the texts from which it was taught were all in Latin. Libanius complained that in the old days a barrister was primarily an orator who pled his client's case in eloquent Greek; if he wanted to clarify a technical point of law he went to a jurisconsult—a very inferior person—for advice. Nowadays a barrister was expected to be learned in the law himself.<sup>20</sup>

To Libanius these changes seemed to sound the death knell of the traditional Greek literary and rhetorical education. Parents, he bitterly lamented, sent their sons to Beirut or to Rome to learn Latin and law. Greek culture was useless for the man of ambition. He needed Latin to secure a place in the higher civil service, or to practice with success at the bar. If he had loftier ambitions, he needed Latin to gain the ear of the great men at court who controlled patronage.<sup>21</sup>

As a result not only the elementary but the higher teaching of Latin received a considerable impetus in the Greek East. Under Diocletian Lactantius taught Latin rhetoric at Nicomedia, then the imperial residence, and in the university of Constantinople which was founded by Theodosius II there were as many Latin as Greek grammarians—ten of each—and three Latin rhetors to five Greek.<sup>22</sup> One very curious result of the new situation was that Greeks sometimes wrote literary works in Latin, hoping thereby to be read in high society.

<sup>19</sup> Symm. *Ep.* IV. 20. For Augustine's Greek, see H. I. Marrou, *Saint Augustin et la fin de la culture antique*<sup>2</sup>, 27–46, 631–7.

<sup>20</sup> For Latin in the praetorian prefecture of the East, see Joh. Lydus, *Mag.* II. 12, III. 42; for rhetors and jurisconsults, Lib. *Or.* II. 43–4.

<sup>21</sup> Libanius complains of the abandonment of Greek for Latin and the law in *Or.* I. 214, 234, II. 43–4, XLVIII. 22–3, *Ep.* 951, 957.

<sup>22</sup> For Lactantius, see Jerome, *de viris illustribus*, 88; for the university of Cthple. *CTh* XIV. ix. 3, 425.

Ammianus of Antioch composed his great history in Latin, and Claudian of Alexandria was the author of Latin poetry. Another result was that a number of Latin words found their way into vulgar Greek—chiefly administrative and legal terms such as δοῦξ, κόμης, or πεκουλίον. No-one who aspired to literary elegance would deign to use such words; Libanius, rather than sully his lips with βικάριος regularly uses the cumbersome periphrasis “ruler of several peoples” (πλειόνων ἔθνων ἄρχων). Athanasius, who had no literary pretensions, is guilty of ἀγεντισιρήβους (*agentes in rebus*). But Libanius insists on “those who carry the king’s letters” (οἱ τὰ βασιλέως γράμματα φέροντες).<sup>23</sup>

This dominance of Latin was transitory and left little permanent effect on the Greek culture of the East. Under Arcadius and Theodosius II, who had been born and bred at Constantinople, the court became Hellenized, and after the division of the Empire in 395 few westerners migrated to the eastern parts. Cyrus, praetorian prefect of the East in the middle of the fifth century, himself a Greek poet of some distinction, abolished the use of Latin in the praetorian prefecture. Legal textbooks were compiled in Greek, and Roman law seems to have been taught in Greek by the latter years of the fifth century. Latin was required only in the *sacra scrinia*, since imperial constitutions were issued in Latin as well as Greek: John Lydus learned the language with the object of entering that distinguished ministry. But John’s Latin, of which he was inordinately proud, was very elementary. Constitutions were in practice drafted in Greek, and the official Latin translation is often incorrect. Despite Libanius’ gloomy fears, the ancient tradition of Greek grammatical and rhetorical education was maintained unimpaired not only in the major universities—if I may use a convenient if incorrect term—of Athens, Alexandria, and Constantinople, but by the official, salaried professors which all major cities still maintained, and by many private teachers. In this period literary culture received a yet wider extension, permeating the few backward areas that still survived under the principate. The cities of Egypt at last produced historians and poets, Olympiodorus of Thebes and Nonnus of Panopolis to name only the two most distinguished, and Cappadocia produced not only Basil of Caesarea, but Gregory from the minor provincial city of Nazianzus. Even Paphlagonia gave birth to the great orator Themistius.<sup>24</sup>

The physical side of education languished in a Christian environment. The last ephebic games of which we know took place at Oxyrhynchus in 323, the year before Constantine’s conquest of the east. A gymnasiarch last appears in

<sup>23</sup> Athanasius is much addicted to Latinisms, being guilty not only of ἀγεντισιρήβους (*Apol. ad Const.* 10) but of δοῦξ, μάγιστρος, κόμης and πολάτιον in the same chapter, βῆλον in chapter 3, and κομεντόρια in chapter 29 of the same work. Latin words are naturally most common in the administrative jargon of the civil service (they abound in John Lydus and Justinian’s novels), but are also frequent in the vulgar Greek of the papyri and of John Malalas. They are sedulously avoided by Libanius, Procopius and all authors of literary pretensions. See *Lib. Or.* II. 58, XLVIII. 7, LXII. 14, for periphrases for *agentes in rebus*.

<sup>24</sup> For Cyrus’s reform, see John Lydus, *Mag.* II. 12, III. 42, and for the adoption of Greek in the law schools Collinet, *Histoire de l’école de droit de Beyrouth*, p. 211ff. John Lydus evidently learned Latin with a view to gaining a place among the *memoriales* of the *sacra scrinia* (*Mag.* III. 26). By the end of the sixth century Gregory the Great (*Ep.* VII. 27) complained that there was no-one at Constantinople who could translate Latin competently.

370 in the same city. Athletic contests still formed part of the Antiochene Olympia in the last years of the fourth century. Thereafter we hear of athletes no more: the church preferred the "athletes of God," who starved their bodies into submission. Gladiatorial contests also disappeared, banned by Constantine under Christian influence. Musical games survived, and indeed flourished, in the form of the mime, whose themes were still drawn from Greek mythology. Above all, chariot racing and the Roman import of wild beast fights excited the passions of the crowd.<sup>25</sup>

Roman law gradually prevailed in the Greek East. Its acceptance in the actual practice of the courts was presumably gradual. But it seems to have been systematically enforced by Diocletian. This, at any rate, is the conclusion that I would draw from the vast mass of rescripts which that Emperor issued on often elementary points of law. Litigants by now, it would seem, were anxious to know what their rights and liabilities were under Roman law, and put their cases to the emperors. The emperor, or rather his legal secretariat, provided answers which enlightened not only the barrister conducting the case, but the judge before whom it was tried. Roman law thus came to be generally known and followed. But it underwent in the process a certain infiltration of Greek legal practices and doctrines, which either survived by tacit custom or were formally written into the law by imperial constitutions. Particularly in the realm of family law a large Greek element was thus absorbed into the Roman system; in Justinian's legislation, for instance, the Greek rules about dowries have superseded the Roman, and the Greek institution of *donatio ante nuptias* has been received into the law.<sup>26</sup>

Oriental influences have been postulated in the development of late Roman art. Not being an expert I hesitate to speak on this subject, but I am bound to say that I am sceptical. What we know from indubitable archaeological and historical sources is that there was during the troubled period of the third century a great falling off, one might almost say a hiatus, in monumental architecture and sculpture. As a result, architects, sculptors, and other skilled craftsmen found little employment and the inherited tradition of skill was well nigh broken. In 334 Constantine complained in one of his laws that architects were not to be found, and granted state scholarships to young men to receive training in the profession. In 337 he bestowed immunities on a large range of skilled craftsmen—sculptors, painters, mosaicists, wood carvers, and the like—to encourage them to train their sons in their respective crafts. That Constantine's complaints were justified is vividly demonstrated by the absurdly childish sculptures executed for his own triumphal arch at Rome, which are surely the crude efforts of simple monumental masons to produce large compositions.<sup>27</sup>

<sup>25</sup> The last ephebic games are recorded in *P. Oxy.* 42, the last gymnasiarch in *P. Oxy.* 2110. For athletes at the Antiochene Olympia, see *Lib. Or.* X, *passim*, and *Ep.* 843, 1179–83, 1278–9. For gladiators and *venationes*, see *supra*, note 12. Libanius defends the mime as preserving the pagan myths in *Or.* LXIV.

<sup>26</sup> See Jolowicz, *Historical Introduction to Roman Law*<sup>2</sup>, p. 522 ff.

<sup>27</sup> *CTh* XIII. iv. 1, 334 (architects), 2, 337 (craftsmen).

I am not suggesting that late Roman art continued to be primitive. What I am inclined to think is that the highly sophisticated techniques of Hellenistic and Roman art were, to a large extent, lost in the dark age of the late third and early fourth centuries, and that this loss liberated artists from a tradition which was growing sterile, and enabled them to make a fresh start. Their initial efforts were crude, but had a certain primitive vigor and dignity. With the recovery of technical expertise their work acquired refinement and delicacy, but retained the rather rigid formalism of their simple beginnings, which evidently appealed to contemporary taste.

What I have said applies especially to sculpture and the decorative arts, which were purely traditional crafts, taught by fathers to their sons, or masters to their apprentices. Architecture, on the other hand, was a liberal art—it is worthy of note that Constantine offered his scholarships only to young men who had completed their standard literary and rhetorical education—and while it too was taught by apprenticeship, it was based on theoretical text books. Most of the buildings of the later Empire were, it is true, unambitious in design—the wooden roofed, aisled basilica which was the standard church plan is, after all structurally very simple. But the science of *mechanice*, being enshrined in books, was preserved, and *mechanici*, who ranked higher than ordinary *architecti*, could thus design complex vaulted buildings, and in Justinian's reign excelled their Hellenistic and Roman forebears in the boldness and subtlety of their vaults and domes.<sup>28</sup>

The greatest change which the Empire underwent in the early fourth century was, of course, the conversion of Constantine and the consequent rise of Christianity to be the dominant and eventually the sole religion of the Roman world. The change was gradual, and still not quite complete in the sixth century. John of Ephesus found many thousands of rustic pagans to baptize in Asia, Lydia, and Caria, lands where the propagation of Christianity had begun in apostolic days, and in the highest classes of society at Constantinople itself purges held under Justinian and Tiberius Constantine revealed a substantial number of crypto-pagans, especially among intellectuals. The city of Carrhae in Mesopotamia was still predominantly pagan when it passed under Arab rule, and in the coastal mountains of Syria the sect of Nusseiri to this day preserve a faith which is basically neoplatonic.<sup>29</sup>

By and large, however, the Greek East was conquered by a religion which was in origin and essence oriental. Christianity, it is true, assimilated many Greek elements in the course of its early history. From the first it adopted the Greek language: its Old Testament was the Septuagint, and its own holy books were initially written in Greek. In the development of its theology it made use of the concepts of Greek philosophy. But it was based on Jewish monotheism and the teaching of a Jewish Messiah.

<sup>28</sup> See the very interesting account of Anthemius of Tralles in Agathias, V. 6ff.

<sup>29</sup> For the mission in Asia, see John of Ephesus, *Hist. Eccl.* II. 44, III. 36–7, *Lives of the Eastern Saints*, xl, xliii, xlvii; for purges among the aristocracy, Malalas, 449, Joh. Eph. *HE* III. 27ff.; for Carrhae and the Nusairi, *Encyclopedia of Islam*, II. 270, III. 964–5.

The acceptance of Christianity inevitably affected the theory of the monarchy; a Christian emperor could no longer be a god. Here Christianity was to some extent anticipated by pagan thought. With the growth of monotheistic or pantheistic ideas in the more philosophical and intellectual levels of pagan religious thought, the emperor tended to be regarded not as God but rather as the special protégé of the supreme divinity, or as being more deeply infused with the divine element than common men. It is perhaps significant that the gods are in the coinage of the tetrarchy styled companions (*comites*) or preservers (*conservatores*) of the emperors, and that Diocletian claimed to be not Jupiter Optimus Maximus but Iovius. This concept was adopted by Christianity. Eusebius of Caesarea, in the panegyric which he delivered to celebrate the thirtieth anniversary of Constantine's accession, works out with elaborate—and to modern ears almost blasphemous—detail, the analogy between the Father and the Son, and the Son and his representative and vicegerent on earth, the emperor.<sup>30</sup>

This change did nothing to diminish the divine aura which surrounded the emperor's person. Everything connected with him remained sacred and divine, so much so that an imperial constitution was colloquially called a *σακρά* in Greek. Any resistance to his will continued to be sacrilege. The official imperial cult continued to be celebrated in the provinces; Constantine expressly authorized the province of Umbria to build "a temple dedicated to our name," to elect its own priest and to hold theatrical and gladiatorial games, only stipulating that his temple "shall not be polluted with the falsehoods of any contagious superstition." Down to the sixth century the provincial assemblies continued to meet, and under the presidency of a *sacerdos* to celebrate games in the emperor's honor; only the sacrifices were abolished.<sup>31</sup>

The monarchy was during this period modified by both western and eastern influences. On the one hand, Diocletian at last succeeded in achieving what Alexander the Great had attempted six centuries earlier, the introduction of Persian royal robes and ceremonies, in particular *proskynesis* or, as it was styled in Latin, *adoratio*. On the other hand, the reception of Roman law carried with it a greatly diluted republican view of the imperial office. The emperor's will was law because the people had conferred upon him the plenitude of sovereign power. This doctrine acquired practical importance only in an interregnum, when the election of an emperor devolved upon the people, as represented by "the palace, the senate and the army." In the western parts, from which this doctrine originated, election was never more than the formal ratification of a usurpation. In the eastern parts genuine elections conferred the imperial power on Jovian, Valentinian, Leo, Anastasius, and Justin I.<sup>32</sup>

<sup>30</sup> Eusebius, *de laudibus Constantini*, *passim*.

<sup>31</sup> Constantine's temple, Dessau, *Inscr. Lat. Sel.* 705. That the *sacerdotium provinciae* still existed under Justinian appears from *Cod. Just.* V. xxvii. 1 where the words are explained, *id est, Phoenicarum vel Syriarchiae*. For the games attached to the latter office, see *Cod. Just.* I. xxxvi. 1.

<sup>32</sup> For *adoratio*, see Eutropius, IX. 26, Aurelius Victor, *de Caesaribus*, xxxix. 2 ff. The republican doctrine is enunciated in *Just. Inst.* I. ii. 6, cf. *Dig.* I. iv. pr. (Ulpian). Imperial elections: *Amm. Marc.* XXV. v, XXVI. i, *Const. Porph. Cev.* I. 91–3. In the West Majorian (*Nov.* i) claimed: *imperatorem me factum, patres conscripti, vestrae electionis arbitrio et fortissimi exercitus ordinatione cognoscite*.



The people of the Greek East had legally become Roman citizens in A.D. 212. By the fourth century they seem to have felt themselves to be Romans, laying claim both to the cultural heritage of Greece and the political heritage of Rome. But their basic attitude to the Empire did not change. They still regarded the emperor as a divinely appointed ruler, who, with his armies, protected them against the barbarians. In return they owed him reverence, obedience—and “the sacred taxes.” However, if the emperor’s armies failed to defend them, they felt no obligation to fight for the Empire themselves, but submitted helplessly to barbarian rule. The Roman Empire had not yet evoked any active and positive patriotism.

Before I summarize my conclusions there is one important point that I would like to emphasize—the thinness of the veneer of Hellenism which the Near East acquired. Except in the Greek homeland and in limited areas along the western and southern coasts of Asia Minor, where Greek culture had already penetrated deeply long before Alexander’s day, Hellenism remained throughout the thousand years in which the Near East was governed by Macedonian kings and philhellenic emperors an upper class monopoly. Everywhere the peasantry continued to speak their native tongues, and even in the towns the lower classes knew little Greek and normally used the indigenous language. The evidence is abundant for Syria and Egypt. To quote a few typical instances only, John Chrysostom speaks of the country folk, including the rural clergy, who flocked to Antioch for the Easter festival, as a people of alien speech. Publius of Zeugma, who founded a Greek-speaking monastery in the neighboring desert, was approached by Syriac speaking postulants, and eventually organized a double community in which worship was conducted separately in Greek and Syriac. Procopius, the first martyr of the Diocletianic persecution in Palestine, was reader of the church of Scythopolis, whose duty it was to translate the liturgy into Syriac for the benefit of townsmen who knew no Greek. In Egypt the abbot Apollonius picked those of his monks who knew both Greek and Egyptian to accompany a party of Greek visitors on the next stage of their tour and to act as interpreters.<sup>33</sup>

As Christianity penetrated more and more into rural areas the church felt the need of providing the converts with versions of the Scripture and the liturgy and other Christian literature written in their native language. In Syria there was no great difficulty, for in Mesopotamia a continuous literary tradition of Syriac had been preserved. A rich Christian-Syriac literature, both translations and original works, was already in being, and could be used by the humbler converts in Syria. In Egypt, on the other hand, the demotic script had died out in the third century. The Greek alphabet, with the addition of a few demotic letters, was adapted to the Egyptian language, and the Scriptures, the liturgy, and some simple hagiographical literature was thus made available to Egyptian peasants and humble townfolk. When Syria and Egypt fell to the Arabs, Greek survived for a few generations as the administrative lan-

<sup>33</sup> Joh. Chrys. *Hom. ad pop. Ant.* xix. 1; Theod. *Hist. Rel.* v (Publius); Eus. *Mart. Pal.* I. i (Syriac version; Procopius); Rufinus, *Historia Monachorum*, 7 (Apollonius).

guage, but when the Caliphs substituted Arabic for it in the government offices, Greek very soon died out. Syriac and Coptic, on the other hand, survived for centuries, as both written and spoken languages.

The evidence is less abundant for Asia Minor, but here, too, it can be proved that a number of native languages survived in the fourth, fifth, and sixth centuries. Basil of Caesarea alludes in one of his sermons to Cappadocian as a language familiar to many of his congregation. Hagiographical anecdotes of the sixth century reveal that there were still Isaurians and Lycaonians who knew no Greek and spoke only their indigenous tongues. A Galatian monk in Palestine, struck dumb, could when he first recovered his speech speak only in Celtic. In Europe Thracian survived, and in a Thracian monastery in Palestine the liturgy was conducted in the native language. At what date Asia Minor became thoroughly Greek, I do not know, but the process was far from complete in the sixth century.<sup>34</sup>

If I may attempt to summarize my conclusions, the principate saw the political extinction of the Greek city, but the consolidation of Greek culture. Everywhere Greek education, maintained and subsidized by the cities, flourished among the upper classes, both in its intellectual and its physical aspects. Greek musical and athletic games were widespread as never before. In every city Greek art and architecture were lavishly patronized. The legal system of the East was still Greek. Only in religion were oriental influences on the upgrade; western influence was as yet negligible.

From the fourth century the dominance of Hellenism began to wane. The Byzantine Empire as a result inherited a legal system which was basically Roman, though it incorporated many Greek elements, and a religion which was basically oriental, though its theology was framed in Greek philosophical concepts. The Hellenistic monarchy was given an oriental dress and a Roman constitutional theory. The athletic ideal of Greek culture perished with the physical education and the competitive games in which it was embodied. Only chariot races survived from the ancient athletic games of Greece and with these were coupled Roman, wild beast fights. The musical games survived only in the degenerate form of the mime.

On the other hand, despite the break in the tradition caused by the prolonged troubles of the third century, Hellenistic art survived in a new form: Byzantine art was, unless I am greatly mistaken, a fresh growth from the old stock. Above all, the great corpus of Greek literature, philosophy, mathematics, and science was preserved together with the grammatical and rhetorical discipline of the schools, which ensured that this great heritage continued to be read and appreciated, copied and commented, and that the Greek language, while in its spoken and vulgar forms it underwent the changes which time inevitably brings, lived on as a literary medium in all its purity.

<sup>34</sup> Basil, *de Spiritu Sancto*, 29 (Cappadocian); Holl, *Hermes* xliii (1908), p. 24 ff. (Isaurian and Lycaonian); Jerome, *Comm. in Ep. Gal.* ii, Cyril of Scythopolis, *V. Euthymii*, 55 (Galatian); Gregory of Nyssa, *contra Eunomium*, xii, Joh. Chrys. *Hom. hab. in ecclesia Pauli* (PG, LXIII. 501), Symeon Metaphrastes, *V. Theodori Coenobiarchi*, 9 (Thracian).



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## Collegiate Prefectures

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## COLLEGIATE PREFECTURES

By A. H. M. JONES

Among the many favours for which Ausonius thanked Gratian when he was designated consul in the autumn of 378 was 'ad praefecturae collegium filius cum patre coniunctus' (*Grat. Act.* 7). This favour, he goes on to say, preceded his nomination to the consulship, and was Gratian's own gift after his father's death; 'et tui tantum praefectura beneficii, quae et ipsa non vult vice simplici gratulari, liberalius divisa quam iuncta, cum teneamus duo integrum, neuter desiderat separatum' (*Grat. Act.* 11). This prefecture was apparently that of the Gauls (*Grat. Act.* 40: 'agant et pro me gratias voces omnium Galliarum, quarum praefecto hanc honorificentiam detulisti'). In later poems he alludes to his 'praefecturam duplicem' (*Protrept.* 91), in which he was, before entering upon his consulship on 1 Jan. 379, 'praefectus Gallis et Libyae et Latio' (*Epiced.* 42).

This is the only collegiate prefecture attested by any ancient source, and it was indeed an extraordinary creation. Gratian's motive is obvious, to bestow the highest honour on his tutor and at the same time to avoid overloading him with administrative duties by giving him a colleague, while keeping the profits within the family by making his son that colleague. Soon the honour was doubled by the even more extraordinary step of combining Italy with Gaul in one prefecture, jointly governed by the two colleagues Ausonius and Hesperius.

Apart from this extraordinary case there is no hint either in the literary sources or in the laws that the office of praetorian prefect was ever held by two persons as colleagues. Collegiate prefectures are an invention of modern scholars, who have sought through them to explain the not infrequent cases where two prefects (or sometimes more) appear to receive constitutions simultaneously in the same zone.

All hypotheses based on the addresses and dates of the codes are fragile, for while most laws are no doubt correctly addressed and dated, there are some which are certainly not; and while many false dates can be plausibly emended, there remain a few which look perfectly genuine but are indubitably wrong and can only be corrected by the expedient which Seeck called 'ergänzte Konsulate', that is, by postulating that the redactors of the Code, finding an undated law, arbitrarily inserted a wrong consulate.

Collegiate prefectures have been unnecessarily multiplied because the laws very rarely state a prefect's zone, and modern scholars have tended to crowd too many into Oriens and above all into Italy, despite that the lists of Gaul and Illyricum are much less crowded. They have been encouraged in this course by the assumption that an *acceptum* or *propositum* invariably gives a clue to the area which a given prefect controlled. Normally, it is true, the inference is valid; for praetorian prefects circulated the laws addressed to them only to the provincial governors under their disposition. But there are a number of cases where this rule does not work. *CTh.* IV, 12, 5, addressed on 6 Dec. 362 to Secundus, undoubtedly praetorian prefect of the East, is 'p.p. in foro Traiani', and IX, 19, 4, addressed on 16 April 376 to Maximinus, equally certainly prefect of the Gauls, is 'p.p. Romae'. The explanation is simple. The redactors sometimes had several copies of a law circularized to the praetorian prefects, and carelessly combined the address of one with the postscript of another. *Accepta* and *proposita* must therefore be used with caution.

Another common cause of error is that men who were subsequently praetorian prefects are not infrequently given this title in laws addressed to them when holding lower offices earlier in their career. Fairly obvious instances are *CTh.* XVI, 5, 4 (22 April 376) and VIII, 5, 34 (27 Feb. 377) which are addressed to Hesperius *PPO*, though he is attested as proconsul of Africa on 10 March 376 (xv, 7, 3) and on 8 July 377 (I, 32, 2); the error is proved in the case of VIII, 5, 34, which lays down a special order for *veredorum reparatio* 'in proconsulari provincia'.

This form of error is, I suspect, commoner than is generally admitted, and is due, I would suggest, to the sources from which the compilers drew the laws. Seeck clearly demonstrated that they found little if anything in any central files of the *comitatus*, at any rate for the fourth century, but he postulated that they used extensively the files of the praetorian prefecture. It is, however, as unlikely that the prefectures preserved massive ancient files as that the *sacra scrinia* did so. Like the *comitatus* the prefectures were migratory institutions with no permanent home. Even the praetorian prefecture of the East, which had settled down at Constantinople from the last decade of the fourth century, did not acquire an office-building of its own until the prefect Constantine built one at his own expense in the reign of Leo, probably in 471, and until then 'the man administering the office conducted business in his own premises' (Joh. Lydus, *Mag.* II, 20). He probably also, like English Cabinet Ministers down to the nineteenth century, kept his state papers with his family papers, and they were passed on to his descendants. It was probably from the family papers of their descendants that the compilers obtained most of the numerous laws addressed to praetorian prefects of the fourth century, and this will explain why among the praetorian prefects of Italy Taurus and Probus are exceptionally well documented; both left distinguished descendants and those of Taurus were resident in Constantinople. These collections of papers would naturally have included some laws addressed to the prefects during their earlier careers, and it was a pardonable though careless error if the redactors of the Code added the title *PPO* when the address of a given law was incomplete.

Collegiate prefectures reached their zenith under Seeck (see the tables on pp. 473–5 of the *Regesten*), but they have since been somewhat reduced in number, chiefly by Professor Palanque, who shares my aversion for them, in his *Essai sur la Préfecture du Prétoire du Bas-Empire*. I will take as my basis the latest list of praetorian prefects, that of Ensslin in *PW* XXII, 2495–2501. I will begin with 337, omitting the troubled problems of Constantine's prefects.

In this list we still find Domitius Leontius and Septimius Acindynus as colleagues in the East in the early years of Constantius II. If we accept Seeck's plausible emendations, Acindynus's laws fall on 27 Dec. 338, 15 Feb. 339 and 5 April 340 (he is also recorded on 14 Aug. 340 in *BGU* 21), and those of Leontius fall between 11 Oct. 340 and 6 July 344, with one (*CTh.* IX, 1, 7) on 18 Oct. 338. The consulship is impeccable ('Urso et Polemio'), but the law might have been addressed to Leontius in some lower office, such as that of vicar.

The next alleged collegiate tenure in the eastern prefecture is that of Eutropius and Neoterius at the beginning of Theodosius I's reign. Neoterius has a run of laws from 15 Jan. 380 to 16 Jan. 381. He was undoubtedly *PPO Orientis*, for *CTh.* I, 6, 10 (undated but plausibly placed by Seeck in September 380) is not only 'accepta . . . Crago' (in Lycia), but concerns the provinces of Bithynia, Paphlagonia and Phrygia Salutaris; also VII, 13, 9 (26 April 380) is 'p.p. . . Antiochia'. This sequence is followed by another addressed to Florus, beginning on 30 July 381\* and running on to 5 March 383. He also was apparently *PPO Orientis*, for *CTh.* V, 14, 31 (wrongly dated 389, 'Timasio et Promoto cos.', one of Seeck's 'ergänzte Konsulate') deals with imperial estates 'in Orientis regionibus'. Parallel and overlapping with these two sequences is a run of laws from 6 Jan. 380 to 28 Sept. 381, addressed to Eutropius. They contain no clues to the zone which he administered, but it was surely Illyricum. Having just received the dioceses of Dacia and Macedonia and having a war on hand in this very area, Theodosius could hardly have dispensed with a praetorian prefect of Illyricum during the first two years of his reign.

Next comes the tangle of Caesarius, Eutychianus and Aurelianus in the early years of Arcadius. The problem is best presented in tabular form; I have given all the laws as dated in the MSS of the Codes, bracketing those whose dates I reject.

\* *CTh.* VIII, 15, 6 is correctly dated 17 June 380, but Florus' title should be *magister officiorum* as in VI, 27, 3, of 16 June 380.

| Consuls   | Eutychianus   | Aurelianus   | Caesarius  |
|---|---|--|--|
| Olybrius et Probino, 395  |   |  | (24 June : XVI, 5, 27) <sup>1</sup><br>30 Nov.: X, 6, 1<br>29 Dec.: XII, 1, 150  |
| Arcadius IV et Honorio<br>III, 396  | 24 Feb.: III, 30, 6<br><br>8 Dec.: III, 12, 3<br>15 Dec.: XII, 18, 2<br>31 Dec.: VI, 4, 30  | (6 Oct.: IV, 2, 1 ; V, 1, 5) <sup>2</sup>  | 13 Feb.: IX, 42, 14<br>14 Feb.: VI, 26, 7<br>27 Feb.: VI, 27, 10<br>23 Mar.: XVI, 7, 6<br>24 Mar.: XV, 1, 34<br>17 Apr.: VII, 4, 21<br>21 Apr.: XVI, 5, 31, 32<br>25 Apr.: XV, 6, 1<br>9 May : VIII, 17, 1<br>3 Aug.: IX, 1, 18 + 42, 15<br>12 Aug.: VI, 3, 2<br>31 Aug.: IX, 38, 9<br><br>7 Dec.: XVI, 10, 14 |
| Caesario et Attico, 397<br><br>Anatolius PPO Illyrici<br>17 June : XV, 8, 12<br>9 July : XI, 14, 3  | 19 Feb.: XIII, 2, 1<br><br>1 Apr.: XVI, 5, 33<br><br>4 Sept.: VI, 3, 4 + IX, 14,<br>3<br>8 Nov.: IX, 6, 3<br>23 Nov.: II, 33, 3   |  | 16 Feb.: IX, 26, 1<br><br>6 Mar.: XI, 8, 1<br><br>8 Apr.: VI, 26, 9<br>29 Apr.: VI, 2, 19<br><br>23 June : VI, 26, 10<br>1 July : XVI, 8, 13<br>13 July : VIII, 15, 8  |
| Honorio IV et<br>Eutychiano, 398<br>Anatolius PPO Illyrici<br>7 March.: IV, 12, 7   | 3 Feb.: II, 1, 10<br>4 Mar.: XVI, 5, 34<br><br>7 March.: XIII, 11, 9<br>23 May.: VII, 4, 25<br>3 July : XV, 1, 38<br>6 July : C <sup>7</sup> XI, 62, 9<br>27 July : IX, 40, 16 + 45,<br>3 + XI, 30, 57 + XVI, 2,<br>33 + C <sup>7</sup> I, 4, 7<br>25 Oct.: XII, 1, 159<br>6 Dec.: I, 2, 11<br>13 Dec.: XV, 1, 40 |  | (26 July : XVI, 2, 32) <sup>3</sup>  |
| Eutropius et Theodoro,<br>399<br>(Tribigild's rising, spring)<br>(Eutropius's fall,<br>summer)<br>(Gainas expels Aurelianus,<br>autumn)<br><br>Anatolius PPO Illyrici<br>12 Nov.: VI, 28, 6 | 10 Mar.: XI, 24, 4<br>14 Mar.: XIII, 7, 1<br>10 Apr.: C <sup>7</sup> XI, 62, 10<br>25 May : XI, 24, 5<br>6 July : XVI, 5, 36<br>10 July : XVI, 10, 16<br>25 July : IX, 40, 18<br><br>11 Dec.: XII, 1, 163<br>28 Dec.: XII, 1, 164<br>30 Dec.: XII, 1, 165   | (17 Jan.: IX, 40, 17) <sup>4</sup><br><br><br>27 Aug.: II, 8, 23<br>2 Oct.: XV, 6, 2 |  |

| Consuls   | Eutychianus   | Aurelianus | Caesarius                             |
|---|---|------------|---------------------------------------|
| Stilichone et Aureliano,<br>400<br>(Gainas's flight, July 12) |   |            | 8 Dec.: I, 34, 1                      |
| Vincentio et Fravitta, 401                                    |   |            | 3 Feb.: VIII, 5, 62                   |
| Arcadio V et Honorio V,<br>402                                |   |            |                                       |
| Theodosio A. et<br>Rumorido, 403                              |   |            | 11 June : C $\mathfrak{J}$ VII, 41, 2 |
| Honorio VI et<br>Aristaeneto, 404                             | 3 Feb.: XVI, 8, 15<br>14 July : XV, 1, 42<br>18 Nov.: XVI, 4, 6 |            |                                       |
| Stilichone II et<br>Anthemio, 405                             | 11 June : C $\mathfrak{J}$ V, 4, 19                             |            |                                       |

<sup>1</sup> With Seeck I emend to 25 Dec., as 24 June is before Rufinus's death (27 Nov.).

<sup>2</sup> This date is generally rejected ; I would move it from 396 (*Arcadio IV et Honorio III*) to 394 (*Arcadio III et Honorio II*), and take *PPO* to be a mistake for *PU* (as in XII, 1, 131, 132 and 138, addressed to Aurelianus *PPO* on 27 Feb., 10 March and 8 Dec. 393, when he was certainly *PU*).

<sup>3</sup> This consulship (*Honorio IV et Eutychiano*) seems sound, but can hardly be right. This law can be moved to 396, 397, 400, 401, 402 or 403 according to taste.

<sup>4</sup> With Seeck I emend to 17 Aug., as 17 Jan. is before the fall of Eutropius (summer 399).

My reconstruction is as follows. Caesarius was *PPO Orientis* from Rufinus's death (Nov. 395) to July 397 : this agrees with Philostorgius XI, 5 : Καισαρίῳ τῷ τὴν Πουφίνου διαδεξαμένῳ ἀρχήν. Eutychianus was *PPO Illyrici* from Feb. 396 or earlier until April/May 397, and was promoted to Oriens in September 397 (he was certainly *PPO Orientis* on 7 March and 23 May 398, as *CTh.* XIII, 11, 9 and VII, 4, 25 deal with Hierapolis and Epiphaneia), being succeeded in Illyricum by Anatolius, who is attested as *PPO Illyrici* from June 397 to November 399. On Eutropius's fall (summer 399) Eutychianus was replaced by Aurelianus, who fell from office when Gainas seized power in the autumn. Under the Gainas regime (autumn 399 to summer 400) Eutychianus was again *PPO Orientis*, but was replaced by Caesarius on Gainas's fall. Caesarius held office for three years, and then Eutychianus came back again in 403-4. He was replaced by Anthemius in June/July 405, and Aurelianus only came back after Anthemius's long tenure of the office in 415.

This reconstruction fits Synesius's *De Providentia* rather better than Seeck's. Osiris must of course be Aurelianus. In Seeck's version Aurelianus is restored to power directly after Gainas's fall, but Synesius (*de Prov.* 125 B and C) rather lamely explains why he was not reinstated ; and in my version he does not return to power until many years later. In my version Typhos is not Caesarius but Eutychianus, since he is *PPO* immediately after Aurelianus's fall. Typhos's previous career according to Synesius was ταμίης χρημάτων (*de Prov.* 92A), that is *comes sacrarum largitionum*, and then (ib. 92B-93B) an office in which he ruled a part of the empire with financial and judicial functions, appointing subordinates. This would be the praetorian prefecture, first of Illyricum and then of Oriens under Eutropius's domination. The prefecture of the East becomes the kingship of Egypt in the allegory when, after Eutropius's fall, it becomes the supreme office. It may be added that the career of Typhos does not correspond with that of Caesarius, who was *magister officiorum* in 386-7.

In the Italian prefecture the first alleged collegiate tenures are from 346 to 356.

According to the Chronographer of 354 Ulpius Limenius held the combined offices of *PPO* (of Italy) and *PUR* from 12 June 347 to 8 April 349 (he is also attested on 12 Feb. and 28 March 349 in *CTh.* ix, 21, 6 and ix, 17, 2), and after a brief interregnum Hermogenes held the same combination of offices from 19 May 349 to 26 Feb. 350. During the same period Titianus was *PPO Galliarum* (attested from 30 June 343 to 12 Nov. 349). We also have to fit in Eustathius on 8 March 349 (*CTh.* ii, 1, 1 + xi, 7, 6, p.p. Romae), and Vulcacius Rufinus, who was *PPO* during his consulship in 347 (*P. Oxy.* 1190, of 22 June, *P. Cairo Preis.* 39, of 22 Oct., and *P. Antin.* 31), on 28 Dec. 349 (*CJ* vi, 62, 3) and at the time of Vetrano's rebellion in 350 (*Petr. Patr.* 16).

Eustathius has been made a colleague of Titianus in Gaul; the fact that his law was 'p.p. Romae' is rather against this hypothesis. He is known to have been *CRP* on 15 May 345 (*CTh.* x, 10, 7, cf. *Philost.* iii, 12) and as his law of 8 March 349 is concerned with the *res privata*, it has been suggested that his title of *PPO* in this law is a mistake for *CRP*. This is possible, but I prefer Professor Palanque's ingenious emendation of the date from *viii id. Mart.* (8 March) to *viii id. Mai.* (8 May), which would put him in the interregnum between Limenius and Hermogenes. He was, as Professor Palanque suggests, probably made acting *PPO* of Italy on Limenius's death (for such interim appointments see *Amm.* xxi, 8, 1).

Limenius's and Hermogenes's combination of the urban and praetorian prefectures suggests to my mind that their zone was probably limited to Italy (with Africa). Vulcacius Rufinus may then have been simultaneously prefect of Illyricum (which at that time would have included the three dioceses of Dacia, Pannonia and Macedonia). He is in fact recorded at Savaria under Constans (*ILS* 727), and he was probably in Illyricum when Vetrano was proclaimed (according to *Petr. Patr.* 16 he alone of the four envoys of Magnentius and Vetrano was not arrested by Constantius, and soon after Mursa he is praetorian prefect in Illyricum, see below). It appears, however, from *CTh.* xi, 1, 6 (22 May 354)—'vinum, quod ad cellarii usus ministrari solet, cuncti Italiae possessores iuxta statutum Constantis fratris mei comparent. quod ut fieri facilius possit, ab omnibus Italis nostris conferatur pecuniae quantitas ea, quam Rufini viri clarissimi et inlustri praefecti praetorio parentis amique nostri moderatio dandam esse censuerat'—that Rufinus had included Italy in his zone sometime in Constans's reign. I would suggest that he was *PPO Italiae* as successor to Placidus (recorded on 28 May 344 in *CTh.* xii, 1, 37) and was transferred to Illyricum on Limenius's appointment on 12 June 347: whether he also ruled Illyricum in the earlier part of his prefecture one cannot say.

After Vetrano's abdication Constantius II kept Rufinus on as *PPO*: the trial of Photinus at Sirmium shortly after the battle of Mursa was attended by 'Καλλικράτει ἐκοκέπτορι Ῥουφίνου τοῦ ἐπάρχου' (*Epiph., Adv. Haer.* 71). He received at this period *CJ* vi, 22, 5 (26 Feb. 352) and probably also *CTh.* ii, 9, 1 + iii, 5, 1 (12 May 352, as emended by Seeck) and perhaps other laws with suspect imperial consulates (see Mommsen's note to *CTh.* ii, 9, 1). I have in an earlier article (*Historia* iv, 1955, 229 ff.) endeavoured to prove that his alleged colleague Philippus never held a prefecture in the West, but was finally disgraced in 351. Rufinus accompanied Constantius to Gaul, where he is found as *PPO* in the spring of 354 (*Amm.* xiv, 10, 4). To this date probably belongs *CTh.* ix, 23, 1 'acc. viii id. Mar. Constantina, Constantio A. viii et Iuliano Caes.' (356, to be corrected to 'Constantio A. vii et Constantio Caes. iii', 354), which Rufinus received at Arles.

Meanwhile in Italy Maecilius Hilarianus was prefect in March 354, as emerges from *CTh.* vi, 4, 3 and 7, as emended by Seeck, and was followed by Taurus, whose long series of laws runs from 6 April 355 to 29 Aug. 361 (accepting Seeck's emendation of xii, 1, 40 and xvi, 10, 4). He has been given as colleagues Lollianus Mavortius, attested as *PPO* in *CTh.* vi, 29, 1 (22 July 355) and xi, 30, 25 + 36, 11 (25 July 355), and Volusianus Lampadius, attested as *PPO* in *CTh.* xi, 34, 2 (1 Jan. 355), *CJ* vi, 22, 6 (18 Feb. 355), *CTh.* iii, 12, 2 (30 April 355), xi, 30, 26 + 36, 12 (29/30 July 355); it may be noted that these two overlap one another as well as Taurus.

Both appear *prima facie* to be praetorian prefects of Italy, for xi, 30, 25 is 'p.p. Capuae' and iii, 12, 2 is 'dat. Rom.' (which must be for 'acc. Rom.' as Constantius was at Milan). *Proposita* and *accepta* are, however, as I have pointed out, not conclusive, and there is literary evidence that Lampadius was *PPO Galliarum* and Mavortius *PPO Illyrici*.



According to Zosimus (II, 55) Lampadius the prefect was one of those who persuaded Constantius to recall and execute Gallus, and this must have been in the summer of 354, which the emperor spent in Gaul (Amm. xiv, 10). The next year he instigated the plot against Silvanus, *magister peditum per Gallias* (Amm. xv, 5, 4-5). That Mavortius was prefect in Illyricum can be inferred from a comparison of Amm. xv, 3, 8 and xvi, 8, 5-7. In the first passage (in 354) Rufinus, 'princeps apparitionis praefecturae praetorianae', reports a treason case at Sirmium, and is rewarded with a second year of office. In the second (in 356) the same Rufinus reports another treason case, and 'iubetur Mavortius, tunc praefectus praetorio, vir sublimis constantiae, crimen acri inquisitione spectare, iuncto ad audiendi societatem Ursulo largitionum comite'; they dismiss the charge, whereupon Constantius 'missis equitibus citis Ursulum redire ad comitatum iussit'. It is clear that Ursulus was sent from the *comitatus* (at Milan) to act as assessor to Mavortius, the man on the spot, and that Mavortius was at some distance, presumably at Sirmium.

There are no collegiate prefectures alleged for Valentinian's reign, but under Gratian they are very thick. There is of course the one attested collegiate tenure, that of Ausonius and Hesperius. The appended table will make the situation clearer; the bracketed laws have been placed in the years to which Seeck plausibly put them.

| Consuls                            | Antonius   | Hesperius   | Ausonius                       | Siburius                   |
|------------------------------------|--|---|--------------------------------|----------------------------|
| 376, Valente V et Valentiniano     | XIII, 3, 11 :<br>23 May, PPO<br>IX, 35, 2 :<br>17 Sept., PPO<br>Gall.                                    |   |                                |                            |
| 377, Gratiano IV et Merobaude      | I, 15, 7 :<br>16 Jan., PPO<br>I, 16, 13 :<br>28 July, PPO<br>(IX, 40, 12 :<br>30 Nov., PPO) <sup>1</sup> | I, 32, 2 :<br>8 July, Proc.<br>Africae.   |                                |                            |
| 378, Valente VI et Valentiniano II | IX, 20, 1 + XI, 39, 7 :<br>12 Jan., PPO<br>Cŷ II, 7, 2 :<br>18 Aug., PPO <sup>3</sup>                    | (I, 15, 8 :<br>21 Jan., PPO) <sup>2</sup><br>(VI, 30, 4 :<br>6 Dec., PPO) <sup>4</sup>  | VIII, 5, 35 :<br>20 April, PPO |                            |
| 379, Ausonio et Olybrio            |  | VII, 18, 2 :<br>2 July, PPO<br>XIII, 1, 11 :<br>5 July, PPO<br>XIII, 5, 15 :<br>21 July, PPO<br>Cŷ VI, 32, 4 :<br>30 July, PPO<br>VIII, 18, 6 :<br>31 July, PPO<br>XVI, 5, 5 :<br>3 Aug., PPO |                                | XI, 31, 7 :<br>3 Dec., PPO |
| 380, Gratiano V et Theodosio       |  | (X, 20, 10 :<br>14 May, PPO) <sup>5</sup>   |                                |                            |

<sup>1</sup> So Seeck, *Reg.* p. 86; the law refers to Campania.

<sup>2</sup> So Seeck, *Reg.* p. 72.

<sup>3</sup> 'dat. Ravennae', which must mean p.p.

<sup>4</sup> So Seeck, *Reg.* p. 86.

<sup>5</sup> So Seeck, *Reg.* p. 102.

It will be seen that Antonius was prefect of Gaul certainly in 376, but had been transferred to Italy before 30 Nov. 377, where he remained until 18 Aug. 378 or later. Ausonius, attested *PPO* (of Gaul) on 20 April 378, must have assumed this office before 30 Nov. 377 (when it had been already vacated by Antonius), and Hesperius may have been his colleague from the first (certainly by 21 Jan. 378). Ausonius's father was doubtless made *PPO Illyrici* at the same time (*Epiced.* 52). Italy must have been added to Gaul after 18 Aug. 378, when Antonius was still *PPO Italiae*, and before 31 Dec. 378, since the elder Ausonius lived to see his son prefect of Gaul, Italy and Africa, but not consul (*Epiced.* 46). Gaul, Italy and Illyricum are mentioned in Hesperius's law of 379 (xiii, 1, 11). Ausonius retired in favour of Siburius before 3 Dec. 379 (xi, 31, 7), and there is no reason to believe that the collegiate prefecture was continued after the retirement of its principal beneficiary. Siburius would have been *PPO Galliarum* and Hesperius would have continued to govern Italy; he is still recorded as *PPO* on 14 May 380 (x, 20, 10, as emended by Seeck).

We next have the alleged collegiate rule of Syagrius and Severus in Italy in 382. The data are again best presented in tabular form :

| Consuls                          | Severus  | Syagrius (1)   | Syagrius (2)  |
|----------------------------------|--|--|---|
| Ausonio et Olybrius, 379         |  | mag. off. 1 Oct.: vii, 12,<br>2                                    | 26 Aug.: i, 15, 10 <sup>1</sup>   |
| Gratiano V et Theodosio,<br>380  |  | PPO 18 June : xi, 30, 38<br>PPO 15 July : vii, 18, 4,<br>p.p. Rom. |   |
| Syagrius (1) et Eucherio,<br>381 |  |  | (PPO 5 July : i, 10, 1) <sup>2</sup><br>PU 9 Oct.: viii, 7, 15                        |
| Antonio et Syagrius (2),<br>382  | PU 25 Mar.: xii, 12, 8,<br>p.p. Karth. <sup>3</sup><br>PU 1 Apr.: vi, 6, 1 + xiv,<br>6, 4<br>PPO 2 Apr.: vii, 18, 6,<br>p.p. Rom.<br>PPO 3 Apr.: viii, 4, 13<br><br>PU 20 June : xiv, 18, 1<br>PU 1 Aug.: viii, 9, 2 | PPO 9 Apr. : xii, 1, 88,<br>p.p. Karth. <sup>4</sup>               | PPO 5 July : xii, 1, 89 <sup>2</sup><br><br>PPO 30 Aug.: xi, 16, 14,<br>lecta Capuae. |

<sup>1</sup> Syagrius is given no title, but the content of the law shows that he was proconsul of Africa.

<sup>2</sup> Both these laws are dated 'iii non.Jul.Viminacio', the former 'Syagrius et Eucherio cos.', the latter 'p.c.Syagrius et Eucherio.' With Seeck I would date both to 382.

<sup>3</sup> This law, which was posted at Carthage on 25 March 382, was no doubt issued in Italy in the previous autumn. The content ('quaecumque civitas legatos ad sacrarium nostrum voluerit ordinare, libera ei tribuatur facultas, ita tamen, ut a te probata atque eliminata ad nos desideria perferantur') is obviously unsuitable to the prefect of the city and appropriate to a proconsul of Africa, and the title *PU* is an anticipation of Severus's next office.

<sup>4</sup> This law, posted at Carthage on 9 April, had doubtless also been issued to the praetorian prefect in Italy the previous autumn.

The important point to remember is that there were two Syagrii, the consuls of 381 and of 382, and that both were praetorian prefects during their consulates (*Stud. Pal.* xx, 103, A.D. 381; *P. Lips.* 21, A.D. 382). The sequence appears to be that Syagrius (1), having been *magister officiorum* in 379, was praetorian prefect in 380 and 381, but died next spring. Severus, who had been proconsul of Africa in 381, and became *PU* early in 382, was appointed interim *PPO*, receiving two laws as such on 2 and 3 April. Then Syagrius (2), who had been Severus's predecessor as *PU*, was appointed *PPO*.

Syagrius (2) was followed by Hypatius, who is attested from 9 Dec. 382 to 28 May 383. One of his laws falls within Syagrius's term of office, *CTh.* xi, 16, 13, 'p.p. Karthag.id.April.

post cons. Syagrii et Eucherii' (13 April 382): I suggest that it was issued in the autumn of 382, and posted at Carthage next spring—'dat. (autumn) post cons. Syagrii et Eucherii, p.p. Karthag. id. April.'

Hypatius, Atticus (attested on 13 March 384, *CTh.* XIII, 1, 12) and Praetextatus (attested on 21 May and 9 Sept. 384, *CTh.* VI, 5, 2 and *CJ* I, 54, 5) are given as a colleague Petronius Probus. Probus was certainly praetorian prefect of Italy and Illyricum about this time; according to Socrates (V, 11) and Sozomen (VII, 13) he was in office at Milan at the time of the fall of Gratian (killed on 25 Aug. 383). The two laws addressed to him at this time (XI, 13, 1 and VI, 30, 6) are dated in the Code 19 Jan. 383 ('dat. xiiii kal. Feb. Med. Merobaude II et Saturnino cos.') and 26 Oct. 384 ('dat. vii kal. Nov. Med. post cons. Merobaudis et Saturnini'), but with minor emendations they can be fitted in between Hypatius's last law on 28 May 383 and Atticus's law on 13 March 384. In the first law the month Feb. could be changed to Sep., or the consulship be made a postconsulate; in the second one has only to assume that a *propositum* has fallen out, and that the law was issued on 26 Oct. 383, and posted early next year.

After Praetextatus, Principius is supposed to have been the colleague of Neoterius and then of Eusignius. The evidence is set out in the accompanying table. What emerges most clearly is that Valentinian II was resident at Milan for the first half of 385 (down to 10 July at least); and at Aquileia during the second half of 385 (from 31 August at latest to 11 December at least); and then at Milan again throughout 386 and the earlier part of 387 (from 23 January 386 at latest to 19 May 387), making one visit to Ticinum nearby. Seeck has plausibly emended the date of a law given at Verona so as to fall on the journey from Milan to Aquileia. The impression given by the table is strengthened if one consults the *Regesten*; one there sees that Valentinian is also attested at Milan on 1 Jan., 1 Feb., 15 Feb., 25 Feb. and 18 June 385; at Aquileia on 14 and 17 Sept. and 25 Nov. 385; and at Milan again on 29 March, 3 April, 6 June and 6 July 386. It is noticeable also that all Neoterius's laws fall within the first period of residence at Milan, all Eusignius's within the second period of residence at Milan, and the bulk of Principius's laws within the period of residence at Aquileia. Of the four laws of Principius which lie outside the main group the first two can be dated within it without violence. The last two cannot be so easily emended, but I find it easier to believe that their dates are wrong than that Valentinian II made two special journeys from Milan to Aquileia (some 250 miles) merely in order to issue two constitutions to Principius.

Eusignius is given another colleague in 387 in the person of Petronius Probus. This prefecture of Probus rests on Sozomen (VII, 13), who declares that Valentinian fled to Thessalonica with his mother and Probus the prefect. But this chapter of Sozomen is merely an embroidered amplification of Socrates V, 11, where Probus flees to Thessalonica, but is not given the title of prefect.

Since I have abolished this prefecture of Probus it is incumbent upon me to give my version of Probus's four prefectures. The proper method is, in my view, to consider the literary and epigraphic evidence first, and then see how the dates of his laws fit in. Ammianus (XXVII, 11, 1) states that on the death of Vulcacius Rufinus (last recorded on 19 May 367, *CTh.* X, 15, 4) Probus was summoned from Rome to take up the praetorian prefecture, and from other passages (XXVIII, 1, 31-3, XXIX, 6, 9-11, XXX, 3, 1, 5, 4-11, Paulinus, *V. Amb.* 8) it is clear that his zone included both Italy and Illyricum. He still held office at the time of Valentinian II's proclamation on 22 Nov. 375 (Rufin., *HE* II, 12). He is also, as we have seen, stated by Socrates (and Sozomen) to have been praetorian prefect (of Italy and Illyricum) in 383. In several inscriptions Probus is at the end of his career styled 'proconsuli Africae, praefecto praetorio quater Italiae Illyrici Africae Galliarum' (*ILS* 1267-8, cf. *AE*, 1934, 160), that is to say he held the prefecture four times in all and the districts that he governed in his various tenures of office included Italy, Illyricum, Africa and Gaul. On another inscription (before his fourth prefecture) he is styled 'procons. Africae, praef. praetorio Illyrici, praef. praet. Galliar. II, praef. praet. Italiae atque Africae III' (*ILS* 1266), which can hardly mean anything else but that he governed Illyricum in his first prefecture, Gaul in his second, and Italy and Africa in his third. This appears to be contradicted by an inscription at Verona put up on 8 Aug. 378, in which he is styled 'proconsuli Africae, praefecto praetorio per Illyricum Italiam et Africam' (*ILS*

| Consuls                             | Neoterius  | Principius   | Eusignius  |
|-------------------------------------|--|--|--|
| Richomere et Clearco, 384           | (VIII, 5, 43, 1 Feb.) <sup>1</sup>   | (C $\mathcal{Y}$ I, 48, 2, PU 13 Feb.) <sup>2</sup>  |  |
| Arcadio A.I et Bautone, 385         | IX, 38, 8, 25 Feb., Med.<br>VIII, 5, 46, 9 April, Med. <sup>2a</sup><br>XI 16, 16, 14 April, Med.<br>II, 1, 6, 30 April, Med.<br>XI, 22, 2, 4 May.<br>XII, 1, 110, 28 May, Med.<br>VIII, 4, 15, 12 June, Med.<br>VII, 2, 2, 10 July, Med.<br>II, 26, 4, 26 July. | (IX, 40, 14, 1 June) <sup>3</sup><br><br>VI, 30, 10, 31 Aug., Aquil.<br>VIII, 7, 16, 18 Sept., Aquil.<br>I, 2, 9 (= XI, 1, 20), 24 Sept., Aquil.<br>X, 20, 12, 26 Sept., Aquil.<br>(XIII, 1, 14, 4 Nov., Veronae) <sup>4</sup><br>XII, 12, 10, 5 Nov.<br>VIII 7, 17, 10 Dec., Aquil.<br>XI 16, 17, 11 Dec., Aquil. |  |
| Honorio n.p. et Euodio, 386         |  | I, 9, 2, <sup>5</sup> mag. off., pp.<br>Hadrumeti vii id. Mart.<br>p.c. Arcadii A.I et Bautonis v.c.<br>(XIII, 5, 17, 20 April, Aquil.)<br><br>(II, 8, 18 + VIII, 8, 3 + XI, 7, 13, dat. or pp. 3 Nov., Aquil., acc. 26 Nov., Rom.)  | XVI, 1, 4, 23 Jan., Med.<br>XII, 12, 11, 15 Feb., Ticini.<br><br>VIII, 7, 18, 14 July, Med.<br>I, 32, 5, 29 July, Med.<br><br>XI, 37, 1, 18 Nov., Med.<br>VIII, 8, 4, 3 Dec., Med.<br>XII, 1, 114, 25 Dec. |
| Valentiniano A.III et Eutropio, 387 |  |  | I, 29, 6, 25 Jan.<br>XV, 3, 3, 26 Feb.<br>VI, 24, 4, 6 March, Med.<br>XI, 22, 3, 14 April.<br>XI, 30, 48, 19 May, Med.   |

<sup>1</sup> With Seeck I would move this law to 1 Feb. 385.

<sup>2</sup> Principius cannot have been *PU* in this period, and the law is more appropriate to a *PPO*. I would emend the date, which is 'd.id.Feb.Chomere' in the MSS, to 'd.id.Sep.p.c.Richomeris et Clearchi' (= 13 Sep. 385).

<sup>2a</sup> This law is addressed 'Nynegio PPO', but the datum and content show that it is a western law. 'Neoterio' has been corrupted to 'Nynegio' because the preceding and following laws are addressed to Cynegius.

<sup>3</sup> I would emend 'kal.Iun.Arcad. A.I et Bautone cos.' to 'kal.Ian.p.c.Arcad.A.I et Bautonis' (= 1 Jan. 386).

<sup>4</sup> With Seeck I would move this law to 4 Aug. 385.

<sup>5</sup> This law must have been given in the preceding summer, before Principius became *PPO*.

1265). It is not, however, necessary to assume that the dedicators gave his career in full; they may have preferred to ignore his first two prefectures, which were, as we shall see, brief, and to concentrate on his long third prefecture, during which he certainly governed not only Italy and Africa, but Illyricum, omitted in *ILS* 1266 because the repetition of the name would be inelegant.

Most of Probus's laws fall between 12 March 368 and 3 Dec. 374, that is during his third prefecture (of Italy, Africa and Illyricum). Two, as we have seen, can be fitted into his fourth term of office in 383, when he also governed Italy, Africa and Illyricum (see *CTh.* XI, 13, 1). There are two laws which are dated earlier than 368, *CTh.* I, 29, 1, 'dat.v.k. Mai. divo Ioviano et Varroniano cos.' (27 April 364, dealing with Illyricum), and XI, 1,

15, 'dat.xiv kal.Jun. Remis Gratiano et Dagalaifo cos.' (19 May 366). The first date is difficult to emend without violence, and there seems no objection to accepting them both as belonging to Probus's first prefecture in Illyricum and his second in Gaul respectively. Probus may have been appointed to Illyricum by Julian or Jovian; he had been dismissed before the beginning of 365, when Mamertinus's prefecture included Illyricum as well as Italy (Amm. xxvi, 5, 5). In Gaul his prefecture (which is further attested by the undated *CJ* vii, 38, 1) can be fitted in between Germanianus, last attested on 7 April 366 (*CTh.* viii, 7, 9), and Florentius, attested on 3 Jun. 367 (*CTh.* xiii, 10, 5).

There remain two laws of Probus dated 12 March and 27 June 380 (vi, 28, 2, 'p.p. iiii id.Mart.Hadrumeto dd.nn.Gratiano A.V et Theodosio A.I cos.', and vi, 35, 10, 'dat. v.kal.Jul.Aquileia, Gratiano V et Theodosio I AA.cos.'). On any theory some of Probus's dates must be emended, and this consulship may well have been confused with one of the consulships which Gratian Augustus shared with a private person, 'Gratiano II et Probo' (371) or 'Gratiano III et Equitio' (374) or 'p.c.Gratiani III et Equitii' (375). Unless 'dat.' is emended to 'acc.' in vi, 35, 10, the last year is most plausible, as Valentinian may have passed through Aquileia on his journey from Treviri to Carnuntum that spring (Amm. xxx, 5, 1-2).

There remain only two alleged collegiate prefectures, Eusebius and Hilarius in 396 and Longinianus and Curtius in 407-8. Eusebius, attested from 19 Dec. 395\* to 23 Dec. 396 was certainly *PPO Italiae* (see Paulin., *V. Amb.* 34). Hilarius, attested 19 March to 28 Dec. 396, should be placed in Gaul, for, as Professor Palanque has argued (*Essai*, 99-100), Vincentius is not attested as *PPO Gall.* until 18 Dec. 397; in *CTh.* xv, 1, 33, of 5 July 395 the address is 'have Vincenti k.nobis' and this form of address would be equally appropriate if he were a vicar. Vincentius's immediate predecessor was Theodorus (Symm., *Ep.* ix, 25), but there is room for Hilarius, for Theodorus was still proconsul of Africa on 22 Dec. 396 (Aug., *c. Cresc.* iii, 62) and cannot have arrived in Gaul until the spring of 397.

Longinianus is attested in the Code as *PPO* (either of Italy or Gaul) on 11 Jan., 9 Feb. and 24 March 406 (*CTh.* xiii, 7, 2, xiii, 11, 11, vii, 18, 15): according to Zosimus (v, 32) he was prefect of Italy when he was killed at Ticinum on 13 Aug. 408. Curtius is attested as prefect (of Italy) on 7 April 407 (xiv, 1, 5, dealing with the *decuriae urbis Romae*), 15 Nov. 407 (*Sirm.* 12 = *CTh.* xvi, 5, 43 + xvi, 10, 19, dealing with heretics, especially Donatists, and pagans) and 3 Feb. 408 (*CTh.* i, 20, 1). It is simplest to assume that Longinianus was *PPO Gall.* in 406. There is room for him between Romulianus (22 April 404 to 6 Aug. 405) and Limenius, who was killed at Ticinum on 13 Aug. 408 (Zos. v, 32), even though Petronius must also be fitted in between 402 and 408, and perhaps also Dardanus; for there are gaps between Andromachus (25 June 401) and Romulianus (22 April 404) and Longinianus (24 March 406) and Limenius (408).

I would assert that in my attempt to exorcise the ghost of the collegiate praetorian prefecture I have done less violence to the dates of the Codes than have my predecessors who were still haunted by it.

To demonstrate that I have not inadvertently created any more collegiate prefectures I append a table of praetorian prefects from 337 to 408.

PRAETORIAN PREFECTS 337-408

| Year | Gaul                                     | Italy   | Illyricum | Oriens   |
|------|--|---|-----------|--|
| 340  | Ambrosius<br>(339-340)                   | Antonius Marcellinus<br>(29 April-28 June 340)<br>Aco Catullinus<br>(24 June 341) |           | Septimius Acindynus<br>(27 Dec. 338-14 Aug.<br>340)<br>Domitius Leontius<br>(11 Oct. 340-6 July 344) |
|      | Titianus<br>(30 June 343-12 Nov.<br>349) | Placidus<br>(28 May 344)<br>Vulcacius Rufinus<br>(344/7)                          |           |  |

\* In *CTh.* xv, 14, 12, he is addressed as *PPO* on 18 May 395, but he was at that time *CSL* (see *Regesten*, p. 117).

| Year | Gaul   | Italy   | Illyricum   | Oriens   |
|------|--|---|---|--|
| 345  |  | <p>Limenius<br/>(12 June 347-8 Apr. 349)<br/>(Eustathius)<br/>(8 May 349)<br/>Hermogenes<br/>(19 May 349-26 Feb. 350)</p> | <p>Vulcacius Rufinus<br/>(22 June 347-12 May 352)</p>                               | <p>Philippus<br/>(28 July 346-summer 351)</p>  |
| 350  | <p>Vulcacius Rufinus<br/>(8 March 354)<br/>Volusianus<br/>Lampadius<br/>(354-30 July 355)<br/>Honoratus<br/>(355/7)<br/>Florentius<br/>(357-360)</p> | <p>Maecilius Hilarianus<br/>(14 March 354)</p>  |   | <p>Thalassius<br/>(351-3 July 353)<br/>Domitianus<br/>(353/354)<br/>Strategius Musonianus<br/>(25 July 354-358)</p>                        |
| 355  |  | <p>Taurus<br/>(5 Apr. 355-29 Aug. 361)</p>  | <p>Lollianus Mavortius<br/>(22 July 355-356)<br/>Anatolius<br/>(23 May 357-360)</p> |  |
| 360  | <p>Nebrius<br/>(360-361)<br/>Sallustius<br/>(361-363)</p>  | <p>Mamertinus<br/>(22 Feb. 362-26 April 365)</p>  | <p>Florentius<br/>(360-361)</p>   | <p>Hermogenes<br/>(24 Aug. 358-360)<br/>Helpidius<br/>(4 Feb. 360-361)<br/>Saturninus Secundus<br/>Salutius<br/>(Dec. 361-30 July 365)</p> |
|      | <p>Germanianus<br/>(18 Dec. 363-7 April 366)</p>   |   | <p>Probus<br/>(27 April 364)</p>  |  |
| 365  | <p>Probus<br/>(19 May 366)<br/>Florentius<br/>(3 June 367)<br/>Viventius<br/>(26 April 368-29 June 371)</p>  | <p>Vulcacius Rufinus<br/>(21 June 365-19 May 367)</p>   |   | <p>Nebrius<br/>(autumn 365)<br/>Saturninus Secundus<br/>Salutius II<br/>(2 Nov. 365- early 367)</p>  |
|      |  | <p>Probus<br/>(12 March 368-22 Nov. 375)</p>  |   | <p>Auxonius<br/>(1 Sept. 367-3 May 369)</p>  |
| 370  | <p>Maximinus<br/>(13 July 371-16 April 376)</p>  |   |   | <p>Domitius Modestus<br/>(1 Aug. 369-2 Nov. 377)</p>   |
| 375  | <p>Antonius<br/>(23 May 376-28 Jul. 377)<br/>Ausonius<br/>(20 Apr. 378)<br/>+<br/>Hesperius<br/>(21 Jan. 378)<br/>Siburius<br/>(3 Dec. 379)</p>      | <p>Antonius<br/>(30 Nov. 377-18 Aug. 378)<br/>Ausonius<br/>(378-379)<br/>+<br/>Hesperius<br/>(6 Dec. 378-14 May 380)</p>  | <p>Julius Ausonius<br/>(378)<br/>Olybrius<br/>(378/9)</p>                           | <p>Aburgius<br/>(378)</p>  |
|      |  |   |   | <p>Olybrius<br/>(379)</p>  |

| Year | Gaul  | Italy   | Illyricum                                | Oriens  |
|------|---|---|--|---|
| 380  | Mallius Theodorus<br>(380/2)                          | Syagrius (1)<br>(18 June 380-382)<br><br>(Severus)<br>(2-3 April 382)<br><br>Syagrius (2)<br>(5 July-30 Aug. 382)<br>Hypatius<br>(9 Dec. 382-28 May 383)<br>Probus<br>(19 Aug.-26 Oct. 383)<br>Atticus<br>(13 March 384)<br>Praetextatus<br>(21 May-9 Sept. 384)<br>Neoterius<br>(1 Feb.-26 July 385)<br>Principius<br>(4 Aug.-11 Dec. 385)<br>Eusignius<br>(23 Jan. 386-19 May 387)<br>Trifolius<br>(14 June 388-19 Jan. 389)<br>Polemios<br>(16 Jan.-22 June 390)<br>Nicomachus<br>Flavianus<br>(18 Aug. 390-8 April 392)<br>Apodemius<br>(28 July 392-9 June 393)<br>Dexter<br>(18 March-1 Nov. 395) | Eutropius<br>(6 Jan. 380-28 Sept. 381)   | Neoterius<br>(15 Jan. 380-16 Jan. 381)<br><br>Florus<br>(30 July 381-5 March 383)<br>Postumianus<br>(6 April 383-3 Dec. 383)<br><br>Maternus Cynegius<br>(18 Jan. 384-14 March 388)<br><br>Flavius Eutolmius<br>Tatianus<br>(16 June 388-Sept. 392)<br><br>Flavius Rufinus<br>(10 Sept. 392-27 Nov. 395)<br>Caesarius<br>(Nov. 395-13 July 397) |
| 385  | Gregorius<br>(383)                                    |   |  |   |
|      | Euodius<br>(386)                                      |   |  |   |
|      | Constantianus<br>(14 Jan.-8 Nov. 389)                 |   |  |   |
| 390  | Neoterius<br>(2 March-28 May 390)                     |   |  |   |
|      |   |   |  |   |
| 395  |   |   |  |   |
|      | Hilarius<br>(19 March-28 Dec. 396)                    | Eusebius<br>(19 Dec. 395-23 Dec. 396)   | Eutychianus<br>(24 Feb. 396-1 April 397) |   |
|      | Theodorus<br>(397)                                    |   | Anatolius<br>(17 June 397-12 Nov. 399)   | Eutychianus<br>(4 Sept. 397-25 July 399)  |
|      | Vincentius<br>(18 Dec. 397-9 Dec. 400)                | Mallius Theodorus<br>(31 Jan. 397-20 Jan. 399)<br>Messala<br>(16 Feb. 399-27 Nov. 400)  |  | Aurelianus<br>(17 Aug. 399-2 Oct. 399)<br>Eutychianus II<br>(11 Dec. 399-summer 400)<br>Caesarius II<br>(8 Dec. 400-11 June 403)  |
| 400  |   |   | Clearchus<br>(402/7)                     |   |
|      | Andromachus<br>(25 June 401)<br>Dardanus ?<br>(401/4) | Hadrianus<br>(27 Feb. 401-5 Oct. 405)   |  |   |
|      | Romulianus<br>(22 April 404-6 Aug. 405)               |   |  | Eutychianus III<br>(3 Feb. 404-11 June 405)   |
| 405  | Longinianus<br>(11 Jan.-24 March 406)                 | Curtius<br>(7 April 407-3 Feb. 408)   | Herculius<br>(11 April 407-26 May 410)   | Anthemius<br>(10 July 405-18 April 414)   |
|      | Petronius ?<br>(406/8)                                |   |  |   |
|      | Limenius<br>(13 Aug. 408)                             | Longinianus<br>(13 Aug. 408)  |  |   |



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## THE HELLENISTIC AGE

MOST HISTORIANS DO NOT LIKE PERIODS, PARTICULARLY THOSE THAT begin at a precise date. But few would deny that Alexander, when he crossed the Hellespont in 334 B.C., opened a new era, dubbed by modern scholars the Hellenistic age. I would, myself, make an important reservation. For the territories of the Persian empire — Asia Minor, Syria, Egypt, Mesopotamia and Iran — Alexander's conquest undoubtedly marked the beginning of a fundamental transformation. But I would question whether for Greece and the Aegean there was any great change. Many historians speak as if under Macedonian domination the life of the city states withered away. But were things so very different in the fifth and fourth centuries and in the third? There had rarely been a time when the majority of Greek cities had not been subject to some dominant power, Sparta, Athens or Thebes; real freedom had been for most a rare experience. In the Hellenistic age the control of Macedon over Greece was incomplete and intermittent, and many cities maintained their freedom for long periods. The leaders had, of course, changed. Athens, after a last gallant struggle, the Chremonidean war in 267, had to submit to a Macedonian garrison, and when she succeeded in expelling it, retreated into dignified neutrality. Sparta, after a last effort in 331, sank into impotence until King Cleomenes carried through his social revolution and achieved a brief dominance in the 220s. Thebes never recovered from its destruction by Alexander. But new powers arose, the Aetolian league in the north west and later the Achaean league in the Peloponnese, and these maintained a struggle which was on the whole successful against Macedonian dominance. No one who reads Polybius can believe that the city state was dead or even dying in the third century. The internal political life of the cities was very much alive, and as in the preceding centuries bitter factional struggles were only too common. In external affairs there was some progress in the formation of stable leagues not dominated by one leader, but the old internecine feuds between cities persisted. It was not until Greece finally succumbed to the iron hand of Rome in 146 B.C. that the cities had to forgo foreign politics and submit to an oligarchic form of government imposed by the conqueror.<sup>1</sup>

<sup>1</sup> No terminal date can be assigned to the Hellenistic age. Politically the Greek East fell piecemeal under Roman rule from 148 B.C., when Macedonia became a province, to 30 B.C., when the last Hellenistic kingdom, Egypt, was annexed. But cultural Hellenization went on under Roman rule into the second century and later. The best short account of the Hellenistic age is W. W. Tarn, *Hellenistic Civilization*, 3rd edn., revised by the author and G. T. Griffith, (London, 1952).

In the Aegean and on the west coast of Asia Minor, too, were things so very different? During the fifth century the cities in this area had been subject to Athens, during the fourth the mainland was under Persian rule, and many of the islands under Spartan and then Athenian control. In the Hellenistic age the Ptolemies and the Seleucids brought many of the cities under their suzerainty, but a number maintained their independence — Heraclea Pontica, Byzantium, Cyzicus, and above all, Rhodes, and not a few of the Seleucid cities successfully defied their overlords from time to time. Here, again, it is difficult to detect any decay of civic spirit until the Roman occupation in 133 B.C.

In the Persian empire, on the other hand, the changes brought about by Alexander's conquest were revolutionary. There had, it is true, been some penetration of Persia by the Greeks for a long while past. Greek merchants had traded with Levantine ports, and had even established a factory at Naucratis in Egypt, and another it would seem at the mouth of the Orontes. Greek doctors had been employed by the Persian kings, and Greek artists by the Phoenician princes. Greeks had often served as generals, and, above all, thousands of Greek mercenaries had been enlisted in the service of the Great King, his satraps, and the rebel kings of Egypt. But now the empire came under the rule of Macedonian dynasties and a massive immigration of Greek and Macedonian settlers began. The final result was the reception of the Greek language and culture by the oriental population — or, at least, its upper stratum. How did this transformation come about?

Both the absolute magnitude and the relative importance of the Greek and Macedonian immigration has, I think, been exaggerated. We have, of course, very few figures, and the whole question is highly problematical. We have no means of telling how many Greeks migrated spontaneously to the East, hoping to find employment as civil servants in the new kingdoms, or to make their fortunes as government contractors or merchants. But the number of such immigrants must have been small as compared with those who were brought in by the kings to man their new cities and military settlements. Here, again, we have no statistics and much of our information is unreliable. The Hellenistic kings peppered the map with towns named after themselves and their families, and by collecting all the names an impressive picture of royal colonization can be presented. But a critical analysis of the sources reveals that very few of the towns which bore dynastic names were colonial settlements. Nor have we much information on the size of these settlements, but

what there is suggests that they were small. According to Malalas the settlers at Antigoneia, the forerunner of Antioch on the Orontes, numbered 5,300, and Polybius gives the population of Seleucia in Pieria as 6,000. These figures, of course, refer to citizens, adult males, and if the settlers brought their wives and families with them, should be multiplied by four or five.<sup>2</sup>

In Egypt there were two new cities only, Alexandria and Ptolemais. Ptolemais was always a small town, and probably contained no more than 25,000 settlers all told. Alexandria grew to be a great city; its population according to Diodorus was by his time 300,000. But of these the majority would have been Egyptians, and there was also a large body of Jews and many other foreigners. We might allow 100,000 for the citizen body and the Greek metics. The Ptolemies, furthermore, planted large numbers of Macedonian and Greek soldiers as settlers (κληροῦχοι or κάτοικοι) in the countryside, mostly it would seem on the newly reclaimed lands of the Arsinoite nome. Here the Romans later recognized a group of 6,475 Greek military settlers, and to judge by what we know of the size and structure of the Ptolemaic army, there may have been as many as 30,000 altogether throughout the country. If these men brought their wives and families, and by no means all did, the total settler population in the countryside would have been about 120,000. The grand total of Greek and Macedonian immigrants would then have come to about a quarter of a million at the most. Since they were members of the ruling race their influence was out of proportion to their numbers, but they cannot have made much numerical difference to seven million native Egyptians.<sup>3</sup>

In northern Syria and Mesopotamia the Seleucids planted four cities, Antioch, Seleucia, Apamea and Laodicea, which were certainly real colonies, two or three others which may have been so, and about a dozen military settlements named after Macedonian or Greek cities; these were evidently on a much smaller scale than the cities.

<sup>2</sup> A list of Hellenistic foundations is given by V. Tscherikover, "Die Hellenistischen Städtegründungen von Alexander dem Grossen bis auf die Römerzeit", *Philologus*, suppl. xix (1927). I have endeavoured to analyse the nature of the foundations in my *Greek City from Alexander to Justinian*, (Oxford, 1940), chap. i. Detailed discussion of the individual cities will be found in my *Cities of the Eastern Roman Provinces*, (Oxford, 1937). These works will henceforth be cited as *GC* and *CERP*. For Antigoneia: Malalas, 201. For Seleucia: Polybius, v. 61.

<sup>3</sup> The 6,475 settlers: *Archiv für Papyrusforschung*, ix (1930), pp. 42-3. For the Ptolemaic army see J. Lesquier, *Les Institutions militaires de l'Égypte sous les Lagides*, (Paris, 1911), and for the population of Egypt (in the first century A.D.) Josephus, *Bell. Jud.*, ii. 385.

Something like a quarter of a million Greeks and Macedonians may have been settled in this area also. We do not know the numbers of the native Syrian population, but it must have been many times greater.<sup>4</sup>

Egypt and northern Syria were, as it were, the headquarters of the Ptolemaic and Seleucid kingdoms, and the two dynasties seem to have concentrated most of their European settlers within them. In Phoenicia and Palestine there is no reliable evidence of any settlement, and in the interior of Asia Minor there seem to have been only five or six Seleucid colonies, planted, it would appear, to guard the great road to the West.<sup>5</sup>

These figures may seem to be unduly conservative, but the conditions prevailing in the home country suggest that emigration cannot have been on any very large scale. Macedonia, which had never been densely populated — its total levy in Alexander's day was under 30,000 men — was not denuded of men, but continued to be a great military power. Greece in the third century seems to have been as overpopulated as in the fourth, and was still an inexhaustible source of mercenaries.<sup>6</sup>

Immigration, then, I would maintain, cannot have been a material factor in the Hellenization of the East. There were vast areas where there were no Greek settlers, and even where they were most thickly planted they were a drop in the bucket of the native population.

Another factor making for Hellenization was the fact that the government was Greek. Greek was the official language of the administration, and the king's ministers and civil servants were Greeks, or at any rate had to speak, read and write the language. In the Seleucid kingdom, where the administrative units were large and the officials few and far between, the effect of the new régime in spreading the knowledge of Greek may not have been great. But even here any ambitious native who wished to obtain a place in the king's service had to learn Greek, and there must have been a considerable demand for interpreters. In Egypt, where the administration was much more elaborate and pervasive, even villagers

<sup>4</sup> For the Seleucid colonization of Syria and Mesopotamia see *CERP*, pp. 216-9, 243-6.

<sup>5</sup> The Seleucid colonies in inner Asia Minor are Antioch in Pisidia, Laodicea Catacecaumene, Seleucia Sidera, Apamea, Laodicea on the Lycus, and perhaps Apollonia in Pisidia; see *CERP* under the several names.

<sup>6</sup> The figures for the Macedonian army are given by Diodorus (xvii. 17) as 12,000 infantry and 1,500 cavalry with Alexander and the same totals left with Antipater. For Greek mercenaries see G. T. Griffith, *Mercenaries of the Hellenistic World*, (Cambridge, 1935).

learnt Greek in order to obtain the posts of village scribes or headmen. The peasantry had to make known their grievances to the government in Greek, and to draft their petitions there grew up a numerous class of bilingual native scribes.

But perhaps the most important cause of the Hellenization of the East was the psychological impact of Alexander's conquests. For centuries the Persian empire had stood invincible and it would seem eternal. And then it had collapsed like a house of cards before the attack of a handful of Greeks. How could the oriental peoples fail to draw the conclusion that the Greeks were a superior people and that only by imitating them could they raise themselves to their level? Historical analogies are dangerous, but I am tempted to compare the third century B.C. and the nineteenth century A.D. When the Ottoman empire suffered ignominious defeats at the hands of Western powers, its reaction was to westernize not merely its military organization and techniques, but its governmental and administrative system, its educational methods, its architecture and even its clothing.

In the nineteenth century there were certain obstacles to westernization which did not exist in antiquity, and the result was that assimilation was not so complete. The most obvious was religion. Westerners and Easterners held two mutually intolerant faiths, traditionally hostile to one another. In antiquity, as we shall see, no such barrier existed. In the second place there was a colour bar. This again did not exist in ancient times. The Greeks may have looked down upon barbarians, but they had no objection to intermarriage with them. At Alexandria, it is true, and probably in the other colonial cities, citizenship was limited to those who could prove citizen descent on both sides, and intermarriage with the natives was thus discouraged. But this was a political rule, which applied just as much to aliens of Greek origin as to barbarians. The Greek and Macedonian military settlers, to whom no such rule applied, intermarried freely with the indigenous population. From Egypt we have many examples attested in the papyri, and in Syria the people of Dura Europus, one of the Seleucid military settlements, were, to judge by their nomenclature, of very mixed blood by the Roman period. Moreover, by barbarians the Greeks meant people of alien language and social customs. If a barbarian learnt their language and adopted their way of life, they were, it would seem, prepared to receive him into their society on an equal basis. From Syene in the second century B.C. we have a list of a religious club, the Basilistae, devoted to the worship of the king: of its thirty members the great majority appear to be pure-blooded Greeks, both their own and their

father's names being Greek, but six have purely Egyptian names and patronymics.<sup>7</sup>

Thirdly, in the nineteenth century, nationalism was an integral feature of the Western civilization which Easterners took as their model, and they early developed national movements of their own. This meant that they preserved and revived their own languages and literature. In the Persian empire there was little that could be called nationalism. Some great Persian families were proud of their royal descent and maintained their national faith, Zoroastrianism. But, if the kings of Commagene were typical, they were equally proud of Macedonian royal descent, and they adopted the Greek language. A more intransigent national group was the Jews. In Palestine there developed in the second century B.C. a bitter struggle between those who wished to adopt Greek culture and the conservatives who clung strictly to the old ways. The latter prevailed, and, as a result, Hebrew survived in Palestine as a learned language, the scriptures were studied in the original, and new works were written in Hebrew. Outside Palestine, however, the Jews of the Dispersion soon dropped their native language, and, while they still studied the scriptures, came to know them only in a Greek translation.<sup>8</sup>

Finally in Egypt memories of the glorious past were still alive. In the fourth century a series of native pretenders had rallied the people against the Persians, and in the second and first centuries B.C., when the power of the Ptolemies was on the decline, there were a number of serious revolts, especially in upper Egypt. National feeling was probably preserved and fostered in the main by the priesthood, a powerful hereditary corporation, but it evidently found a ready response in the traditional xenophobia of the lower classes. We possess, in copies of Roman date, a piece of propaganda which probably goes back to the second or third century B.C., the famous Oracle of the Potter, which foretells the destruction of "the city beside the sea", Alexandria, and the victory of a true Pharaoh. It is curious and significant that this document, which professes to be a translation of an Egyptian prophecy, exists only in Greek versions.

<sup>7</sup> The prohibition of intermarriage between Alexandrians and Egyptians is implied *a fortiori* by *Pap. Gnomon*, 49, which prohibits the marriage of freedmen of Alexandrians to Egyptians. At Naucratis also intermarriage was forbidden (U. Wilcken, *Chrestomathie*, [Leipzig, 1912], 27). An early example of a Greek of the "country" with an Egyptian wife is Wilcken, *Chrestomathie*, 51. For Dura see F. Cumont, *Les fouilles de Doura-Europus*, 1922-3, (Paris, 1926). The Basilistae: *Oriens Graeci Inscriptiones selectae*, ed. W. Dittenberger, (Leipzig, 1903-5), (henceforth cited as *OGI*), 130.

<sup>8</sup> The kings of Commagene: *OGI*, 383-401. For the struggle in Palestine see E. R. Bevan in *Camb. Anc. Hist.*, viii, chap. 16.

Even for anti-Greek propaganda designed for Egyptians, Greek was apparently by this time the best medium.<sup>9</sup>

Whatever the reasons the Hellenization of the nearer East was rapid, and among the upper classes extraordinarily complete. Throughout the area Greek became, with a few minor exceptions, the only written language. In Palestine, as we have seen, Hebrew literature was still read and written. In Mesopotamia Syriac survived as a literary language. In Egypt the priests knew hieroglyphics and hieratic, and legal documents according to the old Egyptian law were still written in demotic. Apart from this the native languages survived only in spoken form, and sank to the level of patois, prevailing among the illiterate peasantry and the lower classes in the towns.

In some areas which were most exposed to Greek influence the indigenous tongues died out altogether. By the first century B.C. Lydian, Carian and Lycian were apparently dead languages. In most areas, however, the native languages were extremely persistent. Phrygian was revived as a written language (in Greek characters) in the second and third centuries A.D. In the fourth century Basil of Caesarea speaks of Cappadocian as a living language, and Jerome records that the Galatians still spoke a Celtic tongue. Anecdotes in the lives of the saints reveal that Isaurian and Lycaonian were spoken in the sixth century. In Syria and Palestine the church provided special readers to translate the services into Syriac and developed a Syriac literature. In Egypt the old language was in the fourth century provided with an alphabet derived from Greek and used by the church for translations of the scriptures and other pious literature. It would seem that the mass of the peasantry and many lower class townspeople knew no Greek, while many of the upper classes could not speak the native languages. As a fifth-century traveller says of Palestine, "in that province part of the people know both Greek and Syriac, another part Greek by itself, some part too only Syriac".<sup>10</sup>

Since they were literate in Greek only, it must be presumed that the upper classes in the nearer East received a standard Greek education. Unfortunately, except for scraps of text books and

<sup>9</sup> The prophecy of the Potter: *Pap. Oxy.* 2332.

<sup>10</sup> Lydian and Carian: Strabo, 631, 661-3. Lycian: *Tituli Asiae Minoris*, i, pp. 5-8. Phrygian: *Monumenta Asiae Minoris Antiqua*, i, p. xii. Cappadocian: Basil, *de Spiritu Sancto*, 29 (Migne, *Patr. Graeca*, xxxii, 208). Galatian: Jerome, *Comm. in Ep. Gal.*, ii (Migne, *Patr. Latina*, xxvi, 357). Isaurian and Lycaonian: *Hermes*, xliii (1908), pp. 242-3. For Syriac in Palestine see *Itinera Hierosolymitana*, S. Silvia, 47. There is much hagiographical evidence for Syria, Palestine and Egypt; see *GC*, p. 366, nn. 46-9.

exercises preserved in the papyri, we have no record of Greek schools in the Orient. We know, however, that in the Hellenistic age, there were great developments in education and much public interest in it. During this period we know of four cities in the old Greek world in which endowed public schools were founded — Delphi, Rhodes, Teos and Miletus — and we have good reason for believing that it was at this time that the ideal curriculum of a general education (ἐγκύκλιος παιδεία) was worked out. It must have been according to this scheme, in which the study of the Greek classical authors played a predominant part, that boys in the nearer East were taught, and thus imbibed a taste for Greek literature.<sup>11</sup>

We know more about the spread of the other side of Greek education, athletic training. Early in the reign of Antiochus Epiphanes, the author of II Maccabees tells us, the high priest Jason

built a place of exercise under the tower itself, and brought the chief young men under his subjection and made them wear a hat. Now such was the height of Greek fashions and increase of heathenish manners . . . that the priests had no courage to serve any more at the altar, but despising the temple and neglecting the sacrifices, hastened to be partakers of the unlawful allowance in the place of exercise, after the discus called them forth; not setting by the honours of their fathers, but liking the glory of the Grecians best of all.<sup>12</sup>

If, despite strong religious prejudices, the establishment of a gymnasium and of the ephebate was so enthusiastically welcomed in such a cultural backwater as Jerusalem in 175 B.C., it is likely that more progressive towns had long introduced them. In Egypt gymnasia are attested not only in the metropoleis of the nomes, but even in villages, and towards the end of the second century B.C. we find a gymnasiarch in Tyana of Cappadocia, a barbarian kingdom that long remained a by-word for its backwardness. The larger and more progressive cities went further in the cult of athletics, and founded quadrennial games in imitation of the Olympia. By 175 B.C. the Tyrians were celebrating such a festival in honour of their patron deity Melkart, or Heracles as they now preferred to call him.<sup>13</sup>

Progressive orientals were by now adopting Greek personal names, at first keeping their native names as well, later abandoning the latter altogether. We know of three Jewish high priests who followed this practice: Jesus becoming Jason, Onias Menelaus, and Eliakim Alcimus. The names adopted were sometimes, as in the case of Jason and Alcimus, chosen for their phonetic resemblance to the

<sup>11</sup> H. I. Marrou, *A history of Education in Antiquity*, (London, 1956), part ii.

<sup>12</sup> II Macc. iv. 12-15.

<sup>13</sup> Ptolemaic gymnasia in Egypt: *CERP*, p. 472, n. 14. Tyana: *Suppl. Epigr. Graec.*, i, 466. Tyre: II Macc. iv. 18-20.



native name which they replaced. More often they were Macedonian dynastic names; one may cite the Egyptian Ptolemy, governor of Cyrenaica under Ptolemy Philometor, who was also called Sympetesis, the Maccabee king Alexander Jannaeus, and an obscure Ascalonite called Shem who became Antipater. Even more frequently the native name was translated: thus the Phoenician Samabaa became Diopethes, Abdtanit Artemidorus and Abdsheims Heliodorus. Hence the vast proliferation of Greek theophoric names in the nearer East.<sup>14</sup>

This fashion is an interesting symptom of the ambition of educated orientals to pass as Greeks in society. Finally they came to think of themselves as Greeks and to be regarded as such by their less progressive neighbours. The author of II Maccabees speaks of the towns of the Palestinian coast as "the neighbouring Hellenic cities". Hence it is, incidentally, that the word Hellene came to mean "pagan" in Jewish and later in Christian Greek.<sup>15</sup>

The diffusion of Greek literature and culture was inevitably followed by the diffusion of Greek political ideas. Hellenized orientals were evidently not so well aware as modern historians that the city state was a dead or dying institution, and their ambition was to transform their communities into Greek cities. The evidence for this process is tenuous and fragmentary, but the final result is clear enough. Except in Egypt and some minor kingdoms similarly organized on a centralized bureaucratic pattern, the nearer East had by the first century B.C. become a mosaic of Greek cities.

In some areas, notably in Seleucid Asia Minor, many native communities already possessed rudimentary republican institutions. In Pisidia, for instance, we have clear evidence from Alexander's time onward that the communities, which varied from tribes with a central fortress to cities dominating the surrounding territory, were ruled by councils of elders; there was even a democratic element in the assembly of warriors. Again on the Syrian coast the old Phoenician cities, so soon as their kings were deposed in the early third century B.C., established elective "judges" (in Greek *δικασταί*). In such cases the only change required was to adopt a constitution of Greek form. When and how this change took place we cannot trace. We can only say that the movement seems to have been spontaneous

<sup>14</sup> Jesus and Onias: Josephus, *Ant. Jud.*, xii. 239. Eliakim: *ib.*, xii. 385. Sympetesis: Polybius, xxxi. 18. Shem: *Inscript. Graec.* (henceforth cited as *IG*), ii, 2836. Abdtanit and Abdsheims: *IG*, ii, 3318. Samabaa: *IG*, ii (Suppl.), 1335b.

<sup>15</sup> *II Macc.* vi. 8. Cf. *Mark*, vii. 26; Josephus, *Ant. Jud.*, xvii. 230; *Bell. Jud.*, ii. 97. 266-8.

and to have grown from below and not to have been imposed from above. Two types of constitution were widely prevalent in western and southern Asia Minor respectively. In the western part the eponymous magistrate was usually styled *stephanephorus*, and the executive board *strategi*. In the south the corresponding titles were *demiurgus* and *prytaneis*. The geographical distribution of these two types bears no relation to the dynasties to which these areas were from time to time subject: the *demiurgus* type was common to both the Seleucid and the Ptolemaic zones, the Attalid kingdom embraced both types. This phenomenon cannot be explained save on the hypothesis that the two types of constitution were spontaneously adopted by the native communities, who copied their Greek neighbours. The *stephanephorus* type is clearly of Ionian inspiration, the *demiurgus* type was borrowed from the old Greek cities of Pamphylia and Cilicia Pedias.<sup>16</sup>

In other parts, Egypt, the interior of Syria, and northern and eastern Asia Minor there is little or no trace of indigenous republican institutions. Here the acquisition of autonomy and of a Greek constitution were synonymous. For Syria the author of II Maccabees again provides us with our one intimate glimpse into the movement. The culminating ambition of the Hellenizing party among the Jews was to be registered as "the Antiochenes in Jerusalem", a privilege for which they were prepared to pay Antiochus Epiphanes 150 talents. It is hard to believe that nothing except a dynastic title was involved, and the fact that some of the towns which received dynastic names at this period began to issue their own coins strongly suggests that with the title went internal autonomy under a Greek constitution. During this period a crop of new Antiochs, Seleucias and Epiphaneias spring up throughout what remained of the Seleucid kingdom, Cilicia, Syria, Mesopotamia, Phoenicia and Palestine. It would seem then that the Jews were following a popular fashion, and that Antiochus Epiphanes favoured the movement, whether from the idealistic motive of encouraging Hellenism, or because the substantial sums which the towns paid for their charters were welcome windfalls to his depleted treasury.<sup>17</sup>

If the Hellenized élite of the metropoleis of Egypt had any such

<sup>16</sup> Pisidian cities: Arrian, *Anabasis*, i. 27-8; Diodorus, xviii. 46-7 (Termessus); Arrian, *Anabasis*, i. 29 (Selge); *OGI*, 751 (Amblada). Phoenician cities: Diodorus, xvi. 45 (council at Sidon); Arrian, *Anabasis*, ii. 15 (council at Tyre); Josephus, *contra Apionem*, i. 157 (judges at Tyre). For *demiurgi* and *stephanephoroi* see *GC*, pp. 310-1, n. 62.

<sup>17</sup> The Antiochenes in Jerusalem: II Macc. iv. 9, cf. 19. For the policy of Antiochus Epiphanes see *CERP*, pp. 252-3.

aspirations they were not permitted to fulfil them; the Ptolemies would tolerate no development which might weaken their centralized bureaucratic machine and the collection of the revenue. In the still backward kingdoms of northern and eastern Asia Minor there was probably no demand for autonomy. In Cappadocia the philhellene Ariarathes V Eusebes bestowed his name on the two principal towns, Mazaca and Tyana, and granted the former the law code of Charondas. But here the initiative clearly came from above.<sup>18</sup>

The ultimate ambition of every Greek city was real autonomy, sovereign independence. This ambition was shared by both the royal colonial foundations and the Hellenized oriental towns. During the final agony of the Seleucid kingdom not a few cities achieved their aim and were officially recognized as free. Seleucia in Pieria, as we know from an inscription, was accorded its freedom in 108 B.C. and started a new era to celebrate the event. Tyre had already started its era of freedom in 125, and Sidon and Tripolis in 111 B.C. Ascalon followed soon after in 104.<sup>19</sup>

The Hellenized oriental cities strove to naturalize themselves, as it were, by claiming Greek origins. Some were lucky enough to figure already in Greek legend and proudly advertized the fact. In a third-century inscription the Sidonians declare that "the holy city of Cadmeian Thebes boasts to see her mother city splendid with victories": the allusion is to a victory at the Nemean games achieved by Diotimus, a "judge" of Sidon. The Lycians, fortunate in being mentioned in Homer, proudly celebrated the heroes Sarpedon and Bellerophon. So, too, the Mysians honoured their forefather, Chromius, who figures in the *Iliad*, and the princes of the Paphlagonians took the name of Pylaemenes, the Homeric leader of their forebears.<sup>20</sup>

Less fortunate cities had to forge their naturalization papers. Phrygian Iconium claimed to have been founded by Perseus, who endowed it with the image (εἰκών) of the Gorgon's head, or alternatively, by Prometheus, who after the flood here made clay images of men to repopulate the world. Pisidian Selge claimed the seer Calchas as its founder. Mysian Pergamum claimed the Arcadian

<sup>18</sup> Mazaca and Tyana: Strabo, 537-9.

<sup>19</sup> Seleucia: *OGI*, 257. The freedom of the other cities is deduced from their adoption of new eras; e.g. Seleucia (B. V. Head, *Historia Nummorum*, 2nd edn. [Oxford, 1911], pp. 783, 797-8, 800, 804). Seleucia and Ascalon were recognized as free by the Romans (Pliny, *Hist. Nat.*, v. 68, 79) and Tyre and Sidon were deprived of their liberty by Augustus (Cassius Dio, liv. 7. 6).

<sup>20</sup> Sidon: P. le Bas and W. H. Waddington, *Inscriptions grecques et latines*, (Paris, 1870), 1866a. The Lycians: *CERP*, p. 403, n. 7. The Mysians: *OGI*, 446. The Paphlagonians: Strabo, 541.

hero Telephus, or, alternatively, declared that its eponymous founder Pergamus was a son of Pyrrhus and Andromeda. No fewer than six cities in south-western Asia Minor, Carian, Phrygian or Pisidian, asserted that they were foundations of Sparta.<sup>21</sup>

The barbarians of the nearer East had to all appearances become Greeks. They spoke Greek, read Greek literature, practised athletics like the Greeks. Many had Greek personal names, and most lived in cities with Greek constitutions. How far did these new Hellenes retain any oriental features in their culture? To what extent was Hellenistic civilization hybrid? In the intimate domain of family life there was some conservatism. The Roman census records of Egypt prove that brother and sister marriage was not uncommon among the Hellenized stratum of the population; the Roman government had even to rule that a Roman citizen might not marry his sister. In default of comparable records it cannot be proved that the practice was an old Egyptian one which survived through the Hellenistic age, but it is difficult to imagine how it could have originated otherwise. Justinian found that marriages incestuous according to Roman law were still common in Mesopotamia: here again we probably have an oriental survival.<sup>22</sup>

In religion there was also much conservatism. This is a tricky subject, for it is difficult to penetrate beneath the forms to the beliefs and attitudes of the worshippers. In Egypt the Greek settlers at first naturally worshipped their own gods. But these do not seem to have become acclimatized except in the cities of Ptolemais and Alexandria, and in the latter the chief god was that strange hybrid creation of Ptolemy I, Sarapis, whose cult image was Greek and who was housed in a Greek temple, but whose name was Egyptian and whose ritual contained Egyptian elements. Elsewhere in the country the old Egyptian temples carried on their life unchanged, built and rebuilt in their traditional architectural form and served by the native priesthood. The Hellenized population, whether of Greek or Egyptian or of mixed descent, worshipped the Egyptian gods. From the end of the second century B.C. we have dedications to Souchos,

<sup>21</sup> Iconium: *Chronicon Paschale*, 71; Stephanus Byz. s.v. Ἰκόνιον. Selge: Strabo, 570. Pergamum: Pausanias, i.4.6, ii.1-2. Spartan colonies: Polybius, v. 76 (Selge): *OGI*, 497, R. Cagnat, *Inscript. Graec. ad res Romanas pert.*, (Paris, 1911-27), iii, 500 (Cibyra); *Brit. Mus. Cat. of Greek Coins, Caria*, p. xxx (Alabanda): Head, *Historia Nummorum*, 2nd edn., pp. 705, 710 (Amblada, Sagalassus); *IG*, v, i, 452 (Synnada).

<sup>22</sup> The Roman census returns of Egypt are analysed in M. Hombert and C. Préaux, *Recherches sur le recensement dans l'Égypte romaine*, (Leiden, 1952). The prohibition against Roman citizens marrying their sisters is in *Pap. Gnomon*, 23. Incestuous marriages in Mesopotamia: Justinian, *Novel* 154.

the crocodile god of the Arsinoite nome, made by the ephebes of the local gymnasium. The Egyptian gods were generally identified with members of the Greek pantheon. Thus the Basilistae, whom I have already mentioned, revered "Chnubis who is also Ammon, Satis who is also Hera, Anubis who is also Hestia, Patempamentes who is also Dionysus, Petensetis who is also Cronos, Petensenis who is also Hermes". But these identifications meant little. All classes revered the sacred animals and maintained such practices as the mummification of the dead. One may legitimately doubt whether in the mind of a Hellenized Egyptian there was more than a verbal association between the hippopotamus Thoëris and the Pallas Athene of whom he had read in the Iliad and Odyssey at school. It was fairly certainly the former whom he really worshipped.<sup>23</sup>

Elsewhere in the nearer East native cults were more deeply Hellenized. In Syria and Asia Minor, as in Egypt, native gods were equated with Greek, Reseph becoming Apollo, Tanit Artemis, Baal Zeus and so forth. But here the native names tended to disappear, in Greek documents at any rate. The temples were rebuilt in the Greek orders and the cult statues carved by Greek artists. How early these processes began it is hard to say, but even the Great Mother of Pessinus, in the heart of Asia Minor, accepted a Greek temple presented by the Attalid kings. Greek ritual was also, it would seem, generally introduced. When Antiochus Epiphanes established Hellenic rites in the temple of Jehovah, identified with Zeus Olympius, he was probably enforcing on the backward Jews practices voluntarily adopted by their more progressive neighbours. We have seen that the Tyrians were already celebrating games in Greek fashion in honour of Melkart Heracles. The transformation was not, of course, everywhere complete. At Emisa an ancient sacred stone remained the cult object, and at Pessinus the barbaric rites of the Great Mother survived. But in many cities what were to all appearance Greek gods came to be worshipped in Greek temples with Greek ritual. A Hellenized Tyrian would have found no difficulty in thinking of Heracles of Tyre as the same Heracles of whose exploits he read in Greek literature.<sup>24</sup>

Oriental origin is sometimes postulated for one religious innovation of the Hellenistic age, the worship of kings. This is a complex and disputed topic, and I will treat it briefly and dogmatically. The Egyptians worshipped their kings as gods, and Alexander based his

<sup>23</sup> Serapis: U. Wilcken, *Urkunden der Ptolemaerzeit*, (Berlin, 1927) part i. Dedications to Souchos: *OGI*, 176, 178. The Basilistae: *ib.*, 130.

<sup>24</sup> Greek temple at Pessinus: Strabo, 567. Greek ritual at Jerusalem: *II Macc.* vi. 1 ff.

claim to divinity on his salutation by the Egyptian priests of Ammon as son of Zeus. The cult thus had an immediate oriental inspiration. But its rapid and enthusiastic reception by the Greeks shows that it harmonized with Greek religious feeling of the day. It is noteworthy that the royal cult was in many cases initiated by purely Greek communities. Rhodes and the league of Aegean islands disputed the honour of having first worshipped Ptolemy Soter. Athens enthusiastically deified Antigonus and Demetrius. The cult was always purely Hellenic in form, musical and athletic festivals playing a prominent part in it. In Egypt the Greek cult worship of the Ptolemies was quite separate from the indigenous cult conducted in the native temples. The worship of kings seems to have been welcomed by the Greeks as the natural way of expressing their admiration for and gratitude to their royal benefactors. Euhemerus turned this idea inside out by postulating that the traditional gods were ancient kings who had benefited the human race in the distant past.<sup>25</sup>

Nor does the monarchy itself seem to have owed anything to oriental influences. Alexander's attempt to introduce Persian royal robes and the Persian ceremonial of *proskynesis* provoked so violent a reaction that his successors never tried to revive it: the Hellenistic courts remained purely Macedonian in form. In substance the monarchy gradually lost its patriarchal flavour. The king's friends were no longer his brother nobles, but ministers and favourites, dependent upon his favour. The Macedonian people, which had exercised certain vaguely defined rights in determining the succession and trying cases of high treason, no longer existed save in the form of the army; the army, however, was no longer a national militia, but a professional body of increasingly mixed origins.

The new monarchies developed vast bureaucratic administrative machines. Here there was some quite overt borrowing of existing oriental institutions, the satraps of the Seleucid kingdom, and the nomarchs and royal scribes of the Ptolemies. But the central governments seem to have been built up pragmatically in response to new needs, and so was much of the provincial administration.

<sup>25</sup> The temple of Ammon was peculiar in that it was an Egyptian temple, whose oracle had a high reputation in Greece. When a priest called Alexander son of Ammon, *qua* king of Egypt, Alexander was thus able to claim that an oracle of Zeus (with whom Ammon was identified) had acknowledged him as son of Zeus. That his claim was based on the oracle of Ammon is shown by the ram's horns of Ammon with which he is depicted on the coins. The Rhodians similarly consulted the oracle of Ammon before deifying Ptolemy I (Diodorus, xx. 100). For the claim of the Islanders to have deified him first see W. Dittenberger, *Sylloge Inscript. Graec.*, 3rd edn., (Leipzig, 1915), 390. Deification of Antigonus and Demetrius by Athens: Plutarch, *Demetrius*, 10. 3.

Certain important fiscal techniques of the new monarchies, notably the contract system for collecting the revenue and managing the monopolies, and the monopolies themselves, seem on our somewhat tenuous evidence to have no oriental prototype, and to have been derived from the common practice of the Greek city states. Even the theory, of some fiscal importance, that the land of the kingdom all belonged to the king, does not seem to be genuinely oriental, but a logical construct based on the Greek idea of the oriental monarch. The Great King in Greek eyes was the owner, *despotes*, of his kingdom, and his subjects were his slaves. The Macedonian kings succeeded to his rights by conquest. How far this theory was exploited in practice we do not know. It may have been used to expropriate native landowners, and thus acquire lands for founding colonial cities, granting allotments to military settlers, and bestowing estates on royal ministers and favourites. It may also have been used for amassing royal lands on which rents could be charged. The theory had a curious corollary. It was apparently deduced from it that the king could not make an absolute gift of land to any of his subjects; the royal ownership of the land of the kingdom was inalienable. If a grantee wanted security of tenure he could only obtain it by incorporating his land in the territory of a city; for cities were technically not part of the kingdom, but separate states. In several Seleucid land grants the beneficiary is expressly authorized to take this step.<sup>26</sup>

The Macedonian monarchy, transplanted to the nearer East, in practice became more absolute, and thus approximated to an oriental monarchy. This change, however, does not seem to have been due to oriental influences, but to have been a natural adaptation to its new environment, and, in so far as it was based on any theory, that theory was Greek.

In sum, I would suggest that, except in the sphere of family life and of religion, the Hellenistic civilization of the nearer East was purely Hellenic, uncontaminated by oriental influences. The degree and quality of Hellenization, of course, differed widely from region to

<sup>26</sup> In Egypt all the land seems to have been in principle royal (γῆ βασιλική), some being granted (as γῆ ἐν ἀφέσει) to temples, military settlers and other private possessors (see U. Wilcken, *Grundzüge*, [Leipzig, 1912], pp. 270-2). In Asia Minor, Alexander in his letter to Priene (*OGI*, 1) implies that any land not in the territory of the city belonged to him. The same theory is implied by the permission given by Antiochus I to Aristodicides (*ib.*, 221) to incorporate the lands granted to him in the territory of a city, and by the similar permission given by Antiochus II to Laodice (*ib.*, 225). There is no oriental evidence that the Egyptian or Persian kings made any claim to own their kingdoms, though the Greeks thought that they did, as is shown by the argument in Xenophon, *Hellenica*, iii. 1. 25 ff.

region. In Egypt the Greek language was probably more widely diffused than elsewhere, penetrating even to the peasantry, and Greek education, both intellectual and physical, was universal among the upper class. On the other hand, religion remained almost entirely oriental, and there was no development of Greek political institutions. In Syria the Hellenization of the urban upper class was very complete except among the Jews and on the eastern desert fringe. On the coast and in the fertile belt behind it the towns became Greek cities, and scarcely a vestige of their oriental past survived — on the surface at any rate — save in a few great shrines which retained ancient rites and festivals. In Asia Minor the west and south were even more thoroughly Hellenized than Syria, but in the north east, in Paphlagonia, Pontus and Cappadocia, little progress had been made and only a few islands of Greek culture existed.<sup>27</sup>

In the course of its diffusion over the nearer East, Greek culture became standardized and to some extent diluted. There had hitherto been no one Greek language: each district, almost each city, had its own. Now a common Greek language, the *κοινή*, a modified form of Attic, was adopted by the royal governments and became universal throughout the Greek world. Again there had hitherto been no common Greek law: each city had its own code. The more famous of these codes became more widely diffused, being adopted by new colonial cities and by Hellenized native cities. Thus Alexandria adopted Athenian law, and Eusebeia in Cappadocia the laws of Charondas. Moreover, the common habit of inviting commissions of judges from another city to clear up arrears of litigation tended to assimilate the civic codes and to popularize some general principles of law; for such judicial commissions preferred to settle cases on rules of equity rather than by the civic code. Finally, among the mixed settlers of Egypt the royal courts gradually built up a common Greek law, based on royal ordinances and on their own equitable judgements. We know very little of Greek law outside Egypt, but ultimately it would seem a more or less uniform system came to be accepted throughout the nearer East.<sup>28</sup>

<sup>27</sup> At Palmyra in the desert halfway between Syria and Mesopotamia there was parity between Greek and Syriac, most inscriptions being bilingual. Examples of the survival of old oriental cults are Emisa, where a meteoric stone was worshipped (Herodian, iii. 3. 4 ff.) and Heliopolis and Apheca, where ritual prostitution was practised down to Constantine's day (Socrates, *Eccl. Hist.*, i. 18).

<sup>28</sup> Athenian law at Alexandria: *Pap. Oxy.* 2177. Laws of Charondas at Eusebeia: Strabo 539. Similarly the new city created by Antigonos from the amalgamation of Teos and Lebedos was to adopt the laws of Cos (Dittenberger, *Sylloge*<sup>3</sup>, 344). For the Hellenistic law of Egypt see R. Taubenschlag, *The Law of Greco-Roman Egypt in the light of the papyri*, (Warsaw, 1955).



Education was also standardized in the Hellenistic age. The primary stage — reading, writing and arithmetic — was followed by *γραμματική*, the study of Greek literature, Homer, and sometimes also Hesiod, the lyric poets, the Attic dramatists, especially Euripides and Menander, and in prose the historians. This was followed by rhetoric — the art of prose composition and oratory, based on the Attic orators and, above all, Demosthenes. Also included in the course, but often neglected, was geometry, based on Euclid, *ἀριθμητική*, or the science of numbers, *μουσική*, or the theory of music, and astronomy, for which Aratus' *Phaenomena* became a popular text book.<sup>29</sup>

Greek literature was, moreover, codified. Through the labours of the scholars of the Museum in Alexandria, standard texts were produced of the authors of all periods and all cities, and a consolidated corpus of Classical Greek literature was thus brought into being. For the benefit of the general reader and for use in schools lists of the best authors were drawn up — the three best Attic tragedians, the ten Attic orators, and so forth. This study of the past seems to have had a somewhat inhibiting effect on current literature. What was produced tended to be antiquarian and imitative — Homeric epics, for instance, like the *Argonautica* of Apollonius Rhodius.

Literary production, both of belles lettres and in the fields of history and philosophy, was at first confined to the old Greek cities, or at any rate to men born and bred in the Greek homeland; for though Alexandria early became a great literary centre, the poets and scholars of the Museum were all emigrés attracted by the bounty of the Ptolemies and the resources of the great library. Neither the Greek colonies in the East nor the Hellenized native cities made any contribution to Greek literature and learning for some two centuries after Alexander's day. A colonial atmosphere is not conducive to the higher refinements of civilization, and it is, therefore, perhaps not surprising that Antioch's first known poet is Archias, for whom Cicero wrote a famous speech. About the same time its neighbour Apamea produced the famous Stoic philosopher, historian and geographer Posidonius, and in Bithynia Nicaea gave birth to the epigrammatist Parthenius. The Hellenized native cities indeed were earlier in the field than the Greek colonies. Already in the second century B.C. Phoenician Marathus produced a Greek philosopher in Menelaus, and Sidon a Greek poet in Antipater. By the first century B.C. Tyre and Ascalon also had their philosophers, Apollonius and Antiochus, and Gadara was a considerable literary centre boasting

<sup>29</sup> Marrou, *A history of Education in Antiquity*, part ii.

the poet Meleager, Menippus the satyrist, and Philodemus the Epicurean. It is less surprising that Lydia and Caria, lands long in close contact with the homeland, were by the first century B.C. producing a profusion of grammarians, rhetoricians, poets, historians and philosophers.

In the realm of philosophy the old schools of the Academy and the Lyceum still flourished at Athens, and in them and in many new centres metaphysical speculation continued on the lines set by Plato and Aristotle, and notable advances were made in various branches of mathematics and physical science. But new schools of philosophy arose which had a very different approach. Neither Zeno nor Epicurus was primarily interested in investigating the nature of the universe. They had their respective cosmologies, but these were schematic and largely derivative. They were in essence moral philosophers, who preached a new way of life, and here too they differed from their predecessors in regarding man not as a political animal who found his fulfilment in the life of his city, but as a lone figure, exposed to the blows of fortune. Epicurus advocated the temperate pursuit of pleasure in the company of a small circle of friends, and indifference to religion, politics and wealth. The Stoics, of sterner stuff, preached the resolute pursuit of individual virtue as an end in itself, but likewise recommended emotional non-involvement in outside interests.

We are generally told that these new philosophies were the products of Hellenistic political conditions. The city state was dead, and therefore the individual, exposed naked to the chilly world, required a new philosophy of life to guide him. I find difficulty in accepting this view for two reasons. Firstly, unless my picture of the Hellenistic age is completely false, the city state was far from dead, and very much alive in the Greece in which Zeno and Epicurus taught. Secondly, the Cynics had been preaching a not dissimilar doctrine for a generation before Alexander.

That acute sense of insecurity which both Stoicism and Epicureanism were designed to remedy was, I would suggest, the product of a disease which had been endemic in the city state for over a century when Zeno and Epicurus began to teach, *στάσις*. There were few cities in Greece in which a man of wealth and prominence could feel secure. At any moment a revolution might occur, from which, if he escaped with his life, he would emerge an exile and a pauper. When Alexander decreed the return of the exiles to their cities, more than twenty thousand, we are told, flocked to Olympia to hear the proclamation. It was to such men, I think, that Zeno and Epicurus preached, and to such men that their doctrines appealed.

For like most other philosophies, Stoicism and Epicureanism were designed for men of education and culture, of some wealth and standing, such as were the majority of the exiles. It is unlikely that they appealed much to common folk, who probably found solace for their troubles in religion.<sup>30</sup>

Nor do the new philosophies seem to have appealed to the mass of the Greek immigrants in the kingdom of the nearer East. It is very unsafe to argue from silence, but it is perhaps significant that no scrap of Stoic or Epicurean writing has been identified among the Hellenistic papyri of Egypt. Yet here, if anywhere, these philosophies ought to have flourished, for here there was an abundance of men cut off from the life of the city state — the thousands of mercenary soldiers in the garrison towns and of military settlers scattered over the countryside, not to speak of the many officials and public contractors and other men of business. But though city-less these men were not insecure. The military settler was assured of a comfortable livelihood for himself and his family on his allotment, and the majority of mercenaries could rely on long-term employment in the new kingdoms, and could be much more certain of their pay than ever in the past. They had no particular need to fortify themselves against the blows of fortune.

To satisfy their needs for social intercourse they formed clubs. The Hellenistic age abounded in clubs of every kind, religious, professional, and ethnic. The military settlers had their *gymnasia*, which served not only as training schools for the young men, but as social centres for their alumni. Ethnic clubs were also common among the troops; clubs of Achaeans, Ionians, Cretans, Lycians, Cilicians are recorded among the mixed mercenary garrison of Cyprus under the Ptolemies.<sup>31</sup>

There was one important if very limited class in the Hellenistic kingdom, to which Stoicism might, and sometimes did, make its appeal — the kings themselves. They were indeed lonely men, in need of some code of conduct to guide them in the exercise of their arbitrary power, and at the same time subject to sudden reversals of fortune in their incessant wars with one another. The Stoic philosophers rose to the occasion. Not a few became as it were domestic chaplains to kings, and some wrote treatises on kingship and its moral problems. None survive, but they were no doubt the prototypes of the long series of tracts which we possess from Roman and Byzantine times. This was the one contribution of the Hellenistic

<sup>30</sup> Alexander and the exiles: Diodorus, xviii. 8.

<sup>31</sup> For *gymnasia* in Egypt see above n. 13. Ethnic clubs: *OGI*, 145-8, 151, 153, 157, 162.

age to political philosophy. The theory of the city state had been worked out, and on that theme there was little room for original thought. On monarchy, on the other hand, the earlier philosophers had not contributed much. Kingship, it is true, had been recognized by Plato and Aristotle as one of the legitimate forms of government, and in abstract theory the rule of the philosopher king had been idealized. But in practice monarchy in the fourth century was not regarded seriously. The only monarchs were either tyrants, whom Greek sentiment abhorred, or barbarian kings whom it despised. The few legitimate Greek kings reigned over backward peoples, the Epirots and the Macedonians, who, partly for that very reason, were scarcely recognized as true Hellenes. The political situation had now changed. The monarchy could no longer be ignored: it had become not only important but respectable, and a proper subject for serious philosophic treatment.<sup>32</sup>

The most remarkable achievement of the Hellenistic age was, to my mind, the diffusion of Greek culture in the Near East. The process was not completed in the age of the Successors. Geographically important areas remained little touched by Hellenism, and it was only the upper strata of society which were Hellenized. Nevertheless, within these limits the transformation was extraordinarily thorough. Upper and middle class Egyptians, Syrians, Pisidians, Lydians, Phrygians came to speak the Greek language, to read the Greek classics, to practise Greek athletic training, to govern themselves in Greek cities according to Greek constitutions, to adopt Greek names and social habits, to build their temples and public buildings in the Greek orders, and finally to think of themselves as Greeks.

The Greek civilization of these Hellenized orientals was, moreover, I would maintain, singularly pure and but little contaminated by oriental survivals. Even in the sphere of religion, where the transformation was least complete, it was only in Egypt that the indigenous cults remained dominant and little changed. In Syria and Asia Minor certain shrines retained strong oriental features, but in most cities the old gods were as thoroughly Hellenized as their educated worshippers, and became indistinguishable from the members of the Greek pantheon whose names they adopted.

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<sup>32</sup> See E. R. Goodenough, "The Political Philosophy of Hellenistic Kingship", *Yale Classical Studies*, i (1928), pp. 55 ff., and L. Delatte, *Les traités de la royauté*, (Liège, 1942). Diotogenes and Ecphantus were probably not Hellenistic writers, but lived in the second or third century A.D. The Stoic Persaeus, however, who lived at the court of Antigonos Gonatas, is recorded to have written a treatise on kingship (Diogenes Laertius, vii. i. 7-9, 36). The earliest surviving works on kingship are Dio Chrysostom's orations (i-iv); he wrote under Trajan.